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**SIR JOHN ELIOT.**

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*Engraved by W. Holt, from an original painting at Port Eliot.*

SIR JOHN ELIOT KNT

A.D. 1658.

# SIR JOHN ELIOT:

1592 - 1632

A BIOGRAPHY.

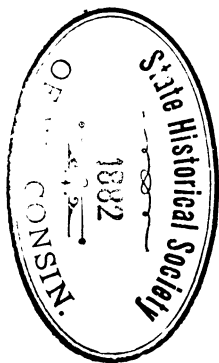
1592-1632.

BY JOHN FORSTER.

IN TWO VOLUMES.

VOL. I.

SECOND EDITION.



LONDON:

CHAPMAN AND HALL, 193 PICCADILLY.

1872.

[The right of translation is reserved.]



## PREFACE

TO

THE FIRST EDITION OF THIS BIOGRAPHY.

---

THE only excuse I can offer for the extent and bulk of the present book is, that it is not a reproduction, under altered forms, of materials accessible in existing books, but a contribution to the knowledge of the period I treat of, and to the means of judging correctly its actors and events, which is entirely new.

If any one had told me when I began, now very many years ago, to study the popular movement against the Stuart princes in the seventeenth century, that there existed in the archives of one English family the still inedited papers of the most eloquent leader of the first three parliaments of Charles the First; that among these papers, numbering between two and three hundred original letters, lay the familiar correspondence of Sir John Eliot with such men as Hampden, Selden, Bevil Grenville, Richard Knightley, Sir Oliver Luke, Sir Robert Cotton, Edward Kyrton, Sir William Armyne, Sir Dudley Digges, Sir Henry Marten, Benjamin Valentine, Lords Warwick and Lincoln, Bishop Hall, and many others; that they contained a Memoir, *written by Eliot*, with many abstracts of speeches not else-



where reported, of the first and least known (but by no means least memorable) parliament of Charles's reign, as well as notes taken by Eliot in the house of commons of the principal incidents of the second parliament; that they contributed to the illustration of the momentous matter debated then and in Charles's third parliament, as well as in the last of James, no less than twenty important speeches actually spoken by Eliot himself and not reported in any of the histories, together with revised and much amended copies of the only three great speeches forming all that were before believed to have survived of this master of eloquence; and that finally they included, with other interesting fragments found after Eliot's death in his prison, touching personal statements of the course taken by him intended for a later time, and notes for a speech against the violation of the public liberties by his imprisonment which he proposed to have spoken in the parliament that did not meet until he had been eight years in his grave: if, I say, it had been told me that such manuscript treasures as these were lying in the family mansion still occupied by the descendants of Sir John Eliot, I should hardly have dared to think credible what I so eagerly should have desired to believe. But everything thus briefly described, and much more, the reader will find in the volumes before him.

The Earl of St. Germans intrusted to my unreserved use, two years ago, the whole of these priceless family papers; and I can only hope that this book, which owes its existence to the confidence so placed in me, may be found to justify it. For thus alone is it possible that proper acknowledgment may be made for a service to which any mere expression of thanks would be altogether inadequate.

It is right I should add that the same desire to see justice done to his great ancestor induced Lord St. Germans several years ago, when he was yet Lord Eliot, to submit portions of these papers (comprising letters only) to Mr. D'Israeli, then engaged in his *Commentaries on the Life of Charles the First*; and that this led to the publication, at that time, of what was termed 'the Eliot correspondence.' It consisted of seven entire letters and five fragments of letters by Eliot; of eight written by Hampden; of a short letter by Holles; and of a portion of one by Scawen; all, with exception of Hampden's, printed with such amazing inaccuracy and such extraordinary omissions as to be in reality of little worth. These matters find notice, with due correction,\* in their proper place in the biography; and are only mentioned here because of the statement put forth at the time by Mr. D'Israeli, to explain his having limited himself to the selection of less than twenty letters out of a volume containing more than a hundred and fifty.

He speaks of the labour which the examination of that book of manuscripts had cost him, as the toil of many a weary morning, dimming his eyes with 'all such *writing* 'as was never read.' The letters of Hampden only he found to be legible; and it delighted him to think that by his hand his country would possess memorials of Eliot and of his friend, of which no other remains were known to exist. Great the glory of it should be, he told his readers, for very hard the strife had been. 'The autographs of Sir John long proved too hard for my deciphering. Days,

\* I have not thought it necessary, in this later edition, to reprint the D'Israeli copies in parallel columns with the originals. The curious in such matters can always refer to them in my first edition, where all of them will be found. (1870.)

‘ weeks, and months passed, and I was still painfully c  
‘ ning the redundant flourishes and the tortuous alpha  
‘ of Sir John, till the volume was often closed in the ag  
‘ of baffled patience. I renewed my apologies for deta  
‘ ing a volume precious in the domestic archives of  
‘ Germans. The unlimited indulgence relieved my we  
‘ some repugnance; and zealous to obtain some insi  
‘ into the feelings and thoughts of two illustrious char  
‘ ters in our history, I passed through my martyrdom.’

The reader of the present volumes will probably th  
that their writer has undergone a martyrdom somewhat m  
severe, when informed that they include, either textually  
in substance, the entire contents of that book of manuscri  
of which the very imperfect mastery of less than a te  
part so severely taxed the patience and sight of an ex  
perienced historical enquirer; that, in aid of their subje  
the contents of seven other manuscript volumes of eq  
bulk have been deciphered; and, finally, that from th  
additional packets of detached papers, the majority in rou  
draft almost illegible, some in pencil nearly faded, and  
apparently untouched since Sir John Eliot's death, some  
the most important discoveries in this biography have be  
made.

Such are my obligations to Lord St. Germans; v  
also intrusted to me, for the purpose of being engrav  
two original paintings of his ancestor at Port Eliot, one  
them of surpassing interest.

The state-papers, and some manuscript collections  
my own, have furnished to this work the rest of its ma  
rials. From the record-office I have been able to ill  
trate, by a very large number of letters till now unpublish  
the early connection of Eliot with state employments; 1  
attempts, after his conduct in the second parliament,

deprive him of his vice-admiralty, and by means of hired agents of the King and the Duke of Buckingham to effect the ruin of his fortunes; and the proceedings against him in the courts, after the dissolution of the third parliament. In all the instances where I have resorted to these invaluable documents of the period, which the Master of the Rolls has rendered so accessible, every quotation has been taken from the originals.

A more careful and minute examination of the contemporary and other printed records having been rendered necessary by the new illustrations thus obtained, this biography of Eliot will be found to present a picture of the opening of the struggle against the government of Charles the First more detailed and accurate than has yet been afforded. Not merely was its later interest so absorbing, and the issues so momentous, but they claimed necessarily so large a space in history to do them justice, that historians had some excuse for less carefully attending to its first incidents and leaders. A stronger circumstance in proof could hardly be named, than that no biography of Eliot existed in any form until I published a sketch of him in my *Statesmen of the Commonwealth*, in 1834. Yet no one will ever understand what the rising against the Stuarts meant who is not thoroughly acquainted with its beginning; with the loyalty to the throne that accompanied the resolve to maintain the popular liberties; and with the reverent regard for law and precedent by which all the earlier movements were so implicitly guided, as to have left upon the conflict, to the very last, an ineffaceable impress. For these reasons it seemed especially desirable that a more exact account than elsewhere exists of what preceded and attended the enactment of the Petition of Right should be here supplied. It was necessary to the proper comprehension, as

well of other new illustrations of that great third parliament afforded by the Port Eliot manuscripts, as of the memoirs and notes on the parliaments preceding it in which the patriot himself plays the part of historian.

For the personal characteristics of Sir John Eliot established by the papers thus given to the world, my biography will speak sufficiently. Few public men have suffered more from evil party-speaking. The indignity which the king would have offered to his body after death, royalist writers persisted in fixing on his memory. But the veneration and affection of his countrymen may be given now to his unsullied name. Few characters could have steadily borne the sudden masses of light here poured upon him; yet no blot appears, and no brightness fades. Under a press which even old friends and associates joined to make painful to resist, he kept to the close his faith and constancy; he calmly underwent his martyrdom; the last utterances that escaped from his prison were the expression of his belief, that upon the abandonment or maintenance of the privileges of her parliaments would turn the future misfortune or glory of England; and he deserved, if ever man did, to be singled out as THE MOST ILLUSTRIOUS CONFESSOR IN THE CAUSE OF LIBERTY WHOM THAT TIME PRODUCED.

J. F.

PALACE-GATE HOUSE, KENSINGTON, W.  
30th January 1864.

## ADVERTISEMENT

TO

### THE PRESENT EDITION.

---

THIS work is now presented in a more compact and accessible form. It has been revised with extreme care, and some corrections made. To the best of my judgment, I have compressed it wherever possible, both in style and matter, by striking out everything redundant or superfluous; but I have not been able to reduce it to any marked extent. It was my intention to do so, when I began the revision; but the book is derived so exclusively from original sources that I could not omit, with a view to mere abridgment, without sacrificing something of character or of history which I believe to be not obtainable elsewhere.

The new matter is enriched by an important discovery, made since the first edition appeared. Every search for Eliot's WILL had up to that time been fruitless; but it was afterwards found, and a copy of this most interesting document is now in its proper place, towards the close of my second volume. Among the other more important new facts will be seen also proof, from the parish-register of St. Germans, that in my former edition I had antedated by two

years the birth of Eliot. He was only forty when he s  
under his imprisonment.

A word of explanation as to the three several ty  
in the text of the present edition may seem to be ca  
for. The smallest type is used as well for speeches w  
given literally, as for every other kind of extracted mat  
and for everything not in that type, or marked with  
verted commas, I am responsible. Alike in the med  
and in the larger type it is my language always that is giv  
The medium type is employed for explanatory narrati  
for abstracts of speeches or letters, and for reproduction  
special debates. The larger type is reserved for all ma  
more strictly original.

J. F.



PALACE-GATE HOUSE,  
*February 1871.*

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The sheets of both these volumes were printed off before the clos  
1870, but the preparation of the indexes has necessarily delayed  
publication.

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# SIR JOHN ELIOT.

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## BOOK FIRST.

JOHN ELIOT OF PORT ELIOT: MEMBER FOR ST. GERMANS.

1592-1619. *ÆT.* 1-27.

- i. Ancestry and Youthful Days. ii. Early Tastes, University, and Travel.  
iii. Marriage; and Parliament. iv. Events in London, 1614 to 1619.

### I. *Ancestry and Youthful Days.* *ÆT.* 1-15.

JOHN ELIOT was 'a Cornishman born and an Esquire's son,'<sup>1</sup> his family being new residents in his native county, though of old Devonshire descent. The first who settled in Cornwall was his great-uncle, who obtained from the Champernowne family, in exchange for property near Ashburton, that estate of St. Germans Priory which has descended with the name and house of the Eliots, and belongs now to their living representative. From the gate of his house at Port Eliot, the Earl of St. Germans can almost stretch his hand to the Norman gate of the abbey church, whose magnificent ivied towers show still where the prior and his monks had their abode.

But already was the old priory become a rough wild scene, when that family-seat sprang up amid its deserted courts and gardens, and took, from the river by which it stood near the ancient town of St. Germans, the name of *Port Eliot*. The

<sup>1</sup> Wood's *Ath. Oxon.* ii. 478. 'Son and heir,' says the Eliot pedigree in the British Museum, 'of Richard Eliot (and Bridget, daughter and co-heiress of Carswell of Hatton) of Port Eliot.'

small straggling place, little more in those days than a poor village of fishermen, built irregularly on an uneven rock, and deriving its scanty trade from the Tamar river which empties itself into Plymouth, must have seen with some surprise the grand new house take the place of the old dwelling of the monks, almost fronting Lynher creek, from whose overflows a pier, strongly built against the river-banks, protected the mansion.

At Port Eliot, surrounded by much that would encourage taste for rough adventure, and hopes connected with the sea John Eliot was born, on the 20th of April 1592.<sup>2</sup> His youth had few of the restraints that should have been applied to temper very ardent and impetuous. His father, a man of easy habits, kept a hospitable house without much regard to selectness in its visitors, and exerted small control at any time over the proceedings of his son. It was a natural consequence that the lad should fall under ill report from jealous neighbours should be accounted wilful, and be otherwise sharply spoken of and Mr. Moyle, who lived at Bake, a district of St. German parish close to Port Eliot, took upon him to warn the father that such was his son's repute. He might have done so much without offence; but he seized the occasion to reveal some more extravagance of which he had obtained the knowledge unfairly and this being repeated with aggravation, young Eliot went in haste and passion to Moyle's house. What words ensued, or whether any farther provocation, is unknown; but the hot-tempered lad drew his sword, and wounded Mr. Moyle in the side.

He could not at the time, by any possibility, have passed his seventeenth year, for his father died in 1609;<sup>3</sup> and it is nearly

<sup>2</sup> This was the day of his baptism; and presumably therefore, according to the custom of that time, the day of his birth, or very closely following upon it. In my first edition I was misled, by Browne Willis's incorrect correction of Anthony Wood, into fixing it two years earlier. An extract from the parish register of St. Germans, now first printed and for which I am indebted to the present incumbent, the Rev. Tobias Furneaux, ends all doubt upon the subject.

'Anno dñi 1592

'April.

'Joha<sup>ñ</sup>es filius Richardi Elliot armigeri bapt. 20.'

<sup>3</sup> 'His father, Richard,' Carew tells us, 'had lived in great popularity and was buried in St. Germans church on 24th June 1609.'

certain that he had not reached his fifteenth, for he was only that age when he went to college, in Michaelmas term 1607, and what has been told could hardly have occurred in a college-vacation. It was indeed but a moment's flame of passion; yet his remorse for it was so great, and in all that followed he was so irreproachable, that, in connection with his later life, it is not an unimportant incident. It stands as the marking line between his youth and manhood. By the very shock of that outbreak of boyish rage, he is startled into self-control; and only for the general good, and against the wrongful oppressor, will the ardour of his temper remain still irrepressible. An old Cornish squire repeated to friends of the next generation what had been told him by the daughter of Moyle himself, that Eliot 'from thenceforward became as remarkable for his private deportment, in every view of it, as his public conduct; and that Mr. Moyle was so entirely reconciled to him, that no person, in his time, held him in higher esteem.' Well remembered, too, by all who still visited in the last century at the old mansion of the Moyles at Bake, was the 'Apologie,' of which a copy has since been found among the papers at Port Eliot;<sup>4</sup> confessing the 'great injury' done; signed by Eliot, witnessed by names known afterwards to history, by William Coryton and the chivalrous Bevil Grenville, and impressed in every word by the generous heart eager to atone for unpremeditated wrong. It closed with the hope that Moyle's love in all friendly offices might hereafter be given him as freely as he should render his own; and it was his rare good fortune, in his last imprisonment, to find himself so serving the man whom in his youth he had injured. The proof of this is also at Port Eliot, where there are two letters written shortly before his death, and hereafter to be quoted, granting favours that Moyle had solicited.

'Forgiveness to the injured doth belong;  
They never pardon who have done the wrong.'

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'*Mr. Moyle,*' it runs, '*I do acknowledge I have done you a great injury, which I wish I had never done, and do desire you to remit it; and I desire that all unkindness may be forgiven and forgotten betwixt us, and henceforward I shall desire and deserve your love in all friendly offices, as I hope you will mine.*'

says Dryden ; but the satire does not apply to Eliot, who held himself always the willing debtor of the man he had once unwillingly offended.

One additional remark is to be made upon this incident of Eliot's opening manhood. The rules now commonly applied to matters of the kind are hardly those it should be judged by. Swords then flashed out as arbiters of every quarrel ; and no small part of the new sovereign's leisure, since he left Scotland, had been passed in vain attempts to cool the fiery young English blood that persisted so to assert and avenge itself. *Beati pacifici* was ever on king James's lips ; but no such happiness was his. Continually to talk about peace is not the most certain way to it. In the very same year when Mr. Moyle appears to have gone on the gossiping errand that stirred Eliot's hot young temper, there had fallen out the famous quarrel between Sir Thomas Dutton and Sir Hatton Cheke, which, forbidden by the king to proceed further in England, came to a bloody close on the sands at Calais. Only a couple of years later occurred the fatal encounter on Antwerp meadows, driven thereto by like prohibition, between Sackville Buckhurst and Lord Bruce of Kinloss. In rapid succession had followed similar passionate meetings of Lords Chandos and Hay, of Lords Warwick and Cavendish, of Lords Rutland and Danvers, of Lords Essex and Henry Holland, of Sir Lewis Tresham and Sir John Herbert ; and not even the latest display of determined disapproval by James, which had brought to the very foot of the gallows young Mr. Ayliffe of Wilts for slaying the cousin of the Countess of Bedford, availed to suppress or check those blazings forth of temper characteristic of a vehement age, and in which the incident of Eliot's youth so largely shares.

## II. *Early Tastes, University, and Travel.*<sup>1</sup> ÆT. 15-19.

Immediately after the quarrel with Moyle, young Eliot left his home for Oxford University ; either as a freshman, or to re

<sup>1</sup> The several letters quoted in this section are among the Port Eliot mss. bearing date as under : 5 April 1630, to Thomas Knightley, fellow and tutor of Lincoln-college Oxford. 26 April 1631, to Hampden. 16

sume studies already begun ; having, says Anthony Wood, become 'a gentleman-commoner of Exeter-college in Michaelmas term, anno 1607, aged fifteen years.' He left Exeter without a degree, but he had well employed the three years during which he remained and studied there. For quickness and completeness of classical allusion he had afterwards no rival in Parliament. Nor had the treasures of language and thought so gathered in his youth strengthened him for great duties only : his resource under great calamities was also to be derived from them. Thus early familiar with the ancient school philosophy, he carried its hopes and aspirations, even its sublime reveries and abstractions, through all the busy activity of his life, into the enforced solitude that closed it ; and Plato, Aristotle, and Seneca were friends that remained accessible to him, when his prison excluded every other.

It would indeed be difficult to overstate what Eliot gained through life from having familiarised these studies to his youth. They will appear in every part of his story. Not unknown are other examples, in this great age, of the union in a high degree of readiness of action with remoteness of study and contemplation ; but in its influence over the whole of his career, in commonest occurrences as well as gravest events, it presented itself in Eliot under conditions of singular interest. It was a living world that books had opened to him, and his choicest friends and councillors were there. Nothing of the past was dead to him. The fire that burnt into the page of Tacitus still heated and stirred the world about him ; and the chamber in which he sat at Westminster was not more filled with eager animation and conflict, than already he had found in its old parliamentary rolls, the silent depositories of English liberty, from which four centuries of the past unceasingly appealed to him.

To the habits of this early time must also be ascribed the simplicity of his religious belief. He was not a Puritan ; but all his sympathies went strongly with the pure in faith and in wor-

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June 1630, to Richard Knightley. 11 August 1631, to the same. 17 September 1631, Letter of Bevil Grenville. 1st September 1631, to Eliot's son John. July 1629, August 1631, and April and November 1630, Letters to John and Richard Eliot.

ship to which the term was applied. Versed as he was in the ancient ethics and philosophy, and an upholder of their truth and excellence, he had found in the Christian system higher developments and a more divine satisfaction. Less prone than many of his contemporaries in ordinary straits to resort to the sacred writings, he yet drew from them, ever, his practical guidance not less than his highest wisdom. To him the Bible was in truth and fact, the book of life ; from which he derived all that was essential to religion, and by which he measured every thing worthiest of honour in public or in private concerns. In his first speech after the accession of Charles the First, as in his last letter from the prison to which Charles consigned him, this is the compass by which he steers his course, to the haven in which he finds his rest. ' Religion only it is,' he told the assembled commons, ' that fortifies all policy, that crowns all wisdom. No ' alone is it the grace of excellence, and the glory of power, but ' it is the strength of government.' ' O, the infinite mercy of ' our Master, dear friend,' he wrote to Hampden, when life was closing upon him in his dreary cell, ' by whom we are, and ' from whom we have all things, the strengthening of the weak ' the enriching of the poor, the liberty of the captive, the health ' of the diseased, the life of those that die !' Nor for that trying hour alone had such consolations been reserved. We shall find them interfused with all his habits of thought, and sustaining him in every part of his career.

Another characteristic, dating from this earliest time, was his love of athletic exercise. Extraordinary as were his attainments in learning, he was a man of action preëminently ; and, as we learn from his care in the training of his sons, as from frequent counsels tendered to his friends, much is to be inferred as to the outcome of his own life, and what its lessons had been. When he first committed his boys to a tutor, his charge to him was that the recreations, not less than their scholarship, should be the objects of solicitude. When his second son, Richard, showed inaptitude for the life at first marked out for him, Eliot said at once that nature must have free way, that disposition and work should not be at war, and that scope must be given to the youth's active propensities. When his dear friend Richard Knightley had

fallen into inactive habits, with which he held that health of mind or body could not consist, he addressed to him from his prison a most touching remonstrance. He had been inquisitive of his friends, he told him, as to his recent ways of life ; and found so much time spent in the house and so little in the fields, that he doubted Knightley made his liberty a practice of imprisonment, and by too much meditation unfitted himself for action, which should be the life and crown of our course. He prayed him to reflect upon others, and that no man should be a centre to himself. To dwell wholly in speculation, was to be self-useful only ; but for others, and the time to come, it behoved him to dispose himself to action. For others, he was to hunt ; for others, to hawk ; for others, to take the benefit of the fields. 'Do it for me,' continued Eliot, 'that cannot do it of myself ; and in your profit and advantage my satisfaction shall be rendered. I know I need not counsel you, who have Abraham and the Prophets : but yet, one coming from the dead, who by privation knows the benefit of exercise, which God appoints for the recreation of man, may have some credit more than ordinary to make some light impressions upon the mind.' Very affecting is that reference to the living death which then had been inflicted on the writer. When all the health-giving habits that had been the stay and sustainment of his own life had been struck from under him, he knew that he was doomed. To what extent they had been his practice, and from this earliest time, we need no better evidence. His latest enjoyment in the Tower, of which he was deprived by closer custody in the last year of his imprisonment, was the game at bowls first played in his boyhood on the green at Port Eliot.

Between the university and travel, to all well-bred youths in the seventeenth century, another study was ordinarily interposed. Some acquaintance with the common law of England was generally required then for an English gentleman's education. Apart from duties to be discharged in parliament, it was thought essential that men of station in their respective counties, to whom it fell to discharge the office of justice of peace, should know something practically of the law, affecting largely the populations of their neighbourhood, which they were called



to administer. Thus when Eliot, as Wood informs us, after leaving the university, 'went to one of the Inns of Court, and became a barrister,' it was not with any view to practice though we shall find that such knowledge of the law as he now obtained, was of the greatest value to him; that his friends in and out of parliament frequently referred to his authority; and that he not seldom employed his knowledge of its principles to condemn the practice of professional lawyers. When next we get sight of him, he is travelling on the Continent, as had become also very generally then the custom of young men of family and fortune.

At precisely the same period, the discerning Lady Villiers had sent her famous son, born in the same year as Eliot, to gratify the beauty of his face and person (his only birthright) by the advantages of foreign travel. Eliot and Villiers met, journeying together to several places; and one can fancy Eliot's warm and generous disposition suiting well with the other's bold address and sprightliness of temper. It is probable that for some time they were intimate; though a widely different destiny struck them afterwards apart.

Of the impression left on Eliot's mind by this travel in his youth, some lively traces appeared in later letters to his children. He urged upon them the primary necessity of selecting their associates well. Good company, he knew, was a choice thing ever and as it always brought pleasure, so most especially in travel it brought advantages. As he wrote this, he might be remembering, through all the darker following interval, those fair bright days, and the pleasant gaieties and cheerful fancies of his own earliest travelling companion.

France appears to have greatly interested Eliot. He saw there the still-conflicting elements of a great and healthful struggle, and though the prospects of the cause most dear to him had become overcast, the light of promise yet shone in the distance. It was a country full of noble instincts and versatile energy; and what his own experience had been, he recommended his sons to profit by. Some friend had warned them of possible dangers in France. Heed him not, said Eliot; any hazard or adventure, in France, they would find repaid by obser-

vation of the existing troubles, and the still gallant struggle of the Huguenots. There was nothing that should concern them so much. Spain he would not allow them even to enter; and the Italian territories of the church they were to avoid as dangerous. The rest of that 'rich fruit-yielding' land they would see; but stagnant and deadly were the waters in the region of Rome, not clear and flowing for the health-seeking energies of man.

Yet more characteristic of Eliot in these early recollections, however, is that which he describes as the unvarying experience of his own life, in travel and enjoyment as in labour and every manly exercise, and which, irrespective of climates or countries, every man may insure. Why is it, he says, that what to one seems barren and unpleasant, to another is made fruitful and delightful, but that all things in this life receive their effect and operation from industry and the habit of the soul. (Nothing is either good or bad, says the great master, 'but thinking 'makes it so.')

Some natures there were which turned all sweetness into venom, forgetful of the lesson of the bee that extracts honey from the bitterest herb. With exquisite good sense Eliot tells his sons therefore, that they would do well ever to make the best use of all things; when they found a sign or indication of error, to accept it for instruction to avoid the like; and if there appeared but the resemblance of some excellence, to make it a precedent for something better in themselves. Imitation, he strikingly designates as 'the moral mistress of our life;' and as they must imitate, they should be ever on the watch for what is worthy, and for that alone. An error might easily be retracted, but habits not so. Let them not suffer any ill in them to proceed to a habit; and above all things, let them propound goodness, not pleasure, for their object. So might they truly achieve honour. Arduous and rough seemed the paths of virtue, but they were excellent, yea pleasant, to those that once had passed them; for they brought honour itself as their concomitant, to entertain them on that journey. It became truly their servant; and what others pursue and wait upon so eagerly, and offer all that they possess to obtain, they who travel in those paths already have, in the form wherein alone it is desirable or to be desired, to wait upon *them*, and to do them service.

Standing upon the threshold of the life we are about to trace, let us not doubt that the thoughts which so attended close reflected its opening experience ; and that, whatever it have been its errors of passion or temper, they were never unnerous or ignoble.

### III. *Marriage ; and Parliament.* ÆT. 19-22.

After his return to England, in the winter of 1611, Eliot then only in his twentieth year, married Rhadagund, the only daughter of a Cornish squire of considerable fortune, Richard Gedie of Trebursey, who served as high-sheriff of his county the last year of James. Of his wife, whose memory he cherished with tenderness, Eliot was unhappily deprived by death in 1616 before the first recess of the memorable parliament of that year after she had presented him with eight children. The eldest were John (born in October 1612), Richard, Edward, Elizabeth and Bridget-Rhadagund ; and these, with some younger and infant children, Susan, Thomas, and Nicholas, taken to Trebursey upon their mother's death and their father's imprisonment, were in the following year, when Mr. Gedie himself died and Eliot's prison-doors were more closely shut, left doubly fatherless as well as motherless. Then utterly dependent on the care of friendly friends were found not wanting. All the children excepting Thomas survived their father.<sup>1</sup>

Eliot had scarcely married when the house of commons opened its doors to him. No historian has heretofore supposed that he sat in an earlier parliament than that of 1623, but we have discovered that he was undoubtedly a member of the commons

<sup>1</sup> By a memorandum from the Eliot pedigree in the British Museum (for which I am indebted to the courtesy of Mr. Sims), I find that at the close of 1620, which with us would be 1621, five children were living: John æt. 9 (born 1612), Richard æt. 7 (born 1614), Elizabeth æt. 5 (born 1616), Edward æt. 2 (born 1619), and an infant, Bridget Rhadagund. Subsequently were born, Susan ; Thomas, who died during his father's imprisonment ; and Nicholas, an infant at Lady Eliot's death. Eliot's wife, 'Radigund,' or Rhadagund, is described as 'sole heir of Rich. Gedie Esq.' From the fifth son, Nicholas, the present St. Germans family are descended. Upon failure of male issue to Daniel Eliot, Sir John's grandson, the estates were bequeathed to Edward, grandson to Nicholas.

mons' house upon the assembling of James's second parliament in 1614. The fact is placed beyond question by the references he made himself, in the parliament of 1623, to the two that had immediately preceded it ; in the earlier of which he stated that he had himself taken part, whereas of the later he knew only by the report of others.

Eliot, then, was in his twenty-third year when he took his seat (as member for St. Germans) in the council of the nation. It would not have been called together but for Sir Henry Nevile's plan of managing the elections by supremely skilful people, who were to 'undertake' for a court majority. Nevertheless the court majority did not present itself ; which Mr. Attorney (Sir Francis Bacon) accounted for by the absence of the supreme skill promised, by the hot opposition the attempt aroused, and by the so great suing, standing, and striving about elections and places it led to, that the wisest and ablest persons shrank from such conflict, and three parts of the elected 'were such as had never been of any former parliament, and many of them young men, and not of any great estate or qualities.' The remark is to be taken with allowance for Bacon's general dissatisfaction at the result, but no doubt substantially it expressed the truth.

Among the men young like himself, however, whom Eliot then first saw on the benches around him, were some that, like himself, were now beginning the career that has identified their names with our English story. Slightly his elder, Robert Philips,<sup>2</sup> son of Sir Edward of Montacute, master of the rolls, there took his seat for the first time, and began his illustrious but too brief career. Another Somersetshire gentleman of graver aspect, now in his twenty-ninth year, a client and councillor of the Bedford family, commenced there the experience which was to carry the name of Pym over the world as almost a synonym for the parliament of England. Sir Dudley Digges, a life-long friend of Eliot's, there tried his earliest flights of eloquence, less earnest than ornate, yet moving and influencing many. Oliver Luke, a youth of old Bedfordshire family, some of whose ancestors had resisted on the bench the tyranny of the earlier Tudors.

<sup>2</sup> I prefer this later spelling of the name, Phelips and Ph<sup>o</sup> taken ; the same. arsigned-

and who had married into the stock of the Northampton Knightleys, began there also the friendship with Eliot which ceased only with life; and with which another more illustrious name became soon connected, for family alliances had associated with the Lukes young Mr. Hampden of Hampden, now in twentieth year studying law at the Inner Temple, and not take his seat among the commons till the next following parliament. And finally there, among the legislators, raw and inexperienced, who had sat in no former convention, Eliot's glance first fell upon a tall young man from Yorkshire, Thomas Wentworth, whom men noted even thus early (a contemporary to us) for his stoop in the neck, for his fierce far-reaching look and for the cloudy shadow on his face except when lighted by anything that moved him.

But beside these youths were men of elder and larger experience, who sufficed in themselves to give no common fame to the proceedings of this short-lived parliament. In it Sir Francis Bacon closed his career as a representative of the people. Edwin Sandys, the second son of Elizabeth's archbishop of York now in his fifty-third year, a ripe and mature scholar who had written learnedly against popery, played a distinguished part in it. Sir Edward Giles, a knight of large estate, Cornishman and Eliot's neighbour as well as fast friend in many subsequent trials, was one of its leaders of opposition: and he had worthy colleagues in Sir James Perrot, the son of Elizabeth's famous lord-deputy; in Sir Robert Cotton, under whose hospitable roof where priceless stores of learning were gathered, Eliot passed many of his happiest later days; and in Sir John Savile Howley, a knight of the West Riding who had served the crown in the old queen's time, but now, in his fifty-third year, was out of favour with the king, and had carried the second seat in Yorkshire against the Wentworths, in the extreme popular interest. Those experienced and liberal lawyers, Crewe, Hall, Hoskins, Thomas Wentworth of Oxford, Nicholas Hyde and Sir James Whitelocke, also gave in it their services to the popular side. Sir James was the father of Bulstrode, and his grandson, who had himself, some years before, by disputing the justice of the case, in the court of exchequer, on Imposition

The subject was revived in this parliament, and with the business of Undertaking, and disputed returns rising out of it, formed the sole business transacted by the house, which had not the good fortune to pass even one bill. It played the part which seems to have been appointed to it, nevertheless. It served, at a critical time, to break-up the old reserves and influences; and to force a free way, for subsequent and more powerful assemblies, to bolder manifestations of opinion. It is now we have the first evidence of vehement excitements, of loud and noisy cheering bandied from side to side, within the house itself. Sir Francis Bacon, quaintly referring to his own narrow escape from being turned off to the lords' chamber (one of the first questions raised having been that of his right, as attorney, to sit in the lower house), had wished himself, because of the frequent discord, not only in the upper house, but in the upper world. Mr. Chamberlain wrote to Sir Dudley Carleton of the cheering and interrupting, that 'many sat there who were more fit to have been among 'roaring boys than in that assembly.' One honourable member was called to order for comparing the house to a cockpit. The house itself was reprehended by Mr. Speaker for 'hissing' a vehement supporter of his majesty's prerogative. But, amid all these unseemly manifestations, it was the right abuse that was selected for attack; and the popular arguments were left unanswered by the ablest of the privy councillors. Sandys carried a resolution against the king's asserted right to levy impositions; and Bacon, not to dispute the justice of such proposals, but to deprecate the eagerness that sought to give immediate effect to them, was fain to remind the opposition that they lived not in Plato his Commonwealth, but in times wherein abuses had got the upper hand. That great man never called the wrong right, or made elaborate attempts at justification, even while he practised or fell in with it. He did his best to amend it; but unhappily was not in the least reluctant to give way and make the best of it, when the other effort was unavailing.

He acted therefore with the rest of the privy councillors in forcing that premature dissolution, which jealousy of the 'undertakers' rendered easy. Eliot regretted the course so taken; and in the language used by him there is proof of the clear-sighted-

ness he had brought thus early to the observation of public affairs. There might be evil in 'undertaking,' but it was a worse evil to favour such precipitation in dealing with parliament. 'I hold that our jealousy in this case was the advantage of an ill-affected, who made it the instrument of their designs to solve that meeting, that they might follow their own projects and inventions then on foot; which, as we have since entrenched more upon the privileges and liberties of this kingdom than the uttermost "undertakings" in parliament ever do.'<sup>3</sup>

Judging of all the circumstances now, it is impossible not to see that this view is the right one. To keep up the agitation against the undertakers was to play into the hands of the commons. Eliot had farsightedness enough to see, as well in the condition of such a notable scheme as the interfering in elections, in the supposed necessity for it, no bad compliment to the influence of the commons; and he would have accepted its favour as an addition to their strength. These advantages were lost by the jealousies given way to; and on the day of the dissolution he doubtless turned sadly away from Westminster, feeling not as the good Sir James Whitelocke did. 'All good people are very sorry for it, and I pray God we never see the like.' This was Eliot's fate to see many more.

#### IV. *Events in London. 1614-1619. æt. 22-27.*

But now, for some years, Eliot's life has a quiet interest strengthening him for its busier time. Referring afterwards to the days following his youth, he was in the habit of regretting that his fortune had so little allowed him to be master of himself. As soon as his employments began, he said, they were tyrannical upon him that all his minutes were anticipated. For a few years' interval after his marriage he appears to have had reasonable leisure; living in and near London, and observing doubtless with many chequered thoughts, what was passing in the world. We are not without direct evidence, indeed, of

<sup>3</sup> Port Eliot mss. February 1623-4: in Eliot's hand.

hold long kept upon his memory by incidents which he now witnessed.

Somerset at this time held rule as absolute as that of Villiers afterward, and there was a man whom Eliot had reason to regard with some interest who had started in life with that favourite now some seven or eight years past, in circumstances much resembling his own past intercourse with Villiers. When Carr was a page in France learning manners and accomplishments, a youth named Overbury was similarly placed there, and the intimacy that ensued had continued through Carr's wonderful future. But Overbury, with no higher rank than that of knighthood, was quite content to see his friend made baron, viscount, and first minister of the king; being himself a man of literature and careless life, and retaining still that control and command over his dignified associate which the stronger exerts over the weaker nature. The time arrived, however, when such control became suddenly dangerous. Overbury resisted the foul and shameful project of Carr, lately created Lord Rochester, to procure a divorce for young Fanny Howard, second daughter of the chamberlain (afterwards treasurer) Suffolk, and wife of the youthful Lord Essex, in order himself to marry that wanton, beautiful, and diabolical person; and the unwelcome counsellor was at once flung into the Tower.

The subsequent tragedy is so well known to every reader of history, that it is very strange to observe how slowly it became known to its contemporaries. The infamous divorce, which the good archbishop Abbot bravely refused to meddle with, had been effected by a vote of seven to five of the bishops and civilians it was referred to; the as revolting marriage, celebrated by Bacon in a masque and honoured by bestowal of the earldom of Somerset on the bridegroom, had been solemnised in presence of the king; and bride and bridegroom, triumphant in their guilt, had received more than two years' worship from the basest court in Christendom; before it was known, beyond the precincts of that court, what a dark deed had been done. George Radcliffe, afterwards the friend of Strafford, then a law-student of Gray's-inn, wrote thus on the 3d of November 1615 to his mother in Yorkshire: 'There hath been a great ado about the poisoning a gen-



‘tleman in the Tower ; one is hanged, another fled, some examined, and divers imprisoned ; but small certainty is yet known. ‘It is confidently reported that the Earl of Somerset is sent to ‘the Tower yesterday night.’ The report was true ; and after another six months Somerset, standing before his peers a convicted felon, his George taken from his neck, received sentence of death as one of the murderers of Overbury. The fair-faced fiend for whom the crime was committed had received her sentence on the previous day ; but the scaffold was cheated of them both. Four of the lesser murderers had already perished, the last of them being hanged about a month after Radcliffe’s letter ; and as the first of them, Weston, Overbury’s keeper in the Tower, had been on the point of ascending the ladder at Tyburn, there had ridden up sharply to the gallows four hangers-on of the court, of whom the most prominent was Sir John Holles, afterwards Earl of Clare, father of Denzil and father-in-law of Strafford, who were seen to speak to the wretched man, urging him to clear Somerset. But Weston was no longer accessible to favour or fear. One bitter remark had indeed fallen from him at his trial, that the little fishes would be caught and the big ones escape ; but he was now past bitterness also. He quietly turned to the hangman, as the great men bawled to him from their saddles ; and his last word was an intimation that the crime committed had well deserved punishment.

Of the extent to which Somerset was directly implicated, Eliot appears to have entertained some doubt ; and in later years we shall find him making generous allowance for some points in that favourite’s administration, wherein, more especially as to the disposal of manors, and malversation and waste of crown parks and lands, he held him to have contrasted advantageously with the favourite of the succeeding reign. For Overbury himself he had a genuine pity. Reverting to him after many years, he called him ‘an unfortunate piece of merit.’ Keen was his sympathy with suffering in every case ; and besides his other reasons for viewing leniently the defects in Overbury’s character, he had an honest admiration for his writings. To these the circumstances of his death had attracted much attention, and especially to such as were known to have been composed while he

lay in the Tower, gradually wasting, month by month, under slow but deadly poison. There were passages in his poem called *The Wife* alleged to have been sent to Somerset while his crime was actually in progress, as a warning against the false Duessa that enchained him, and they were especial favourites with Eliot. He continued to quote them long after their temporary interest had passed away; and took occasion as he did so, with as much sincerity in criticism as he displayed in matters more important, to rebuke a then prevailing fashion, which has been the fashion of every generation since, to praise lavishly the past and grudgingly the present. In his judgment, he said of one of Overbury's pieces, none of the former writers it was so much the custom to laud could have written more perfectly. And though to many it might be a wonder that he should claim authority for any fancy 'being so new, and born amongst ourselves, I must confess my ignorance if it be so. I esteem it not the less as begotten in this age; and as it is our own, I love it much the more.'

Eliot had also further reason, when those words were written, to linger at Overbury's memory. 'He died where now I live.' The former youthful associate of a second and more powerful favourite then himself lived a prisoner in the Tower. 'As it is of my country, I honour it the more; and as it was the production of this place, my admiration is the greater, that in such solitude and darkness, where sorrow and distraction mostly dwell, such happy entertainments and such minutes were enjoyed.'<sup>1</sup> But a nobler presence than Overbury's peopled that solitude when another vision arose, and connected itself, even

<sup>1</sup> These passages are from the ms. of Eliot's treatise of the *Monarchy of Man*, preserved (Harleian Coll. 2228) in the British Museum, hereafter to be more largely adverted to. The Museum ms. (in some respects less complete than that remaining at Port Eliot) passed into the possession of the Holles family, probably through Denzil, an intimate friend and warm admirer of Eliot; and finally, from the ownership of that fourth Lord Clare who was created first Duke of Newcastle, became (according to an entry in the ms. diary of Lord Oxford's librarian, Humphrey Wanley, under date 6th May 1723, where he records that 'my Lord sent in a ms. compiled by Sir John Eliot') part of the Harleian Collection transferred to the British Museum. Here it lay comparatively quite unheeded, until the present writer described it at considerable length, giving large extracts from it, in 1836.

as Overbury's did, with what Eliot personally witnessed in this early time.

✕ Two years after Somerset's trial occurred the execution of Raleigh. It was the consummation of the baseness of James's reign. It was a shameless sacrifice of one of the greatest men of the English race to the power most hated by Englishmen. The idle assertion has been made that no direct influence was exerted at the time by Spain, but the fact even then was notorious and is now established irrefragably. A Spanish alliance had thus early been projected, and Raleigh himself, who struggled hard for life while there was hope, warned the king with prophetic truth that by his death the scheme might be fatally interrupted. Old Lord Northumberland rested the excuse of the court on the foul and sordid one of money; and it is undeniable that if Raleigh had returned with the *El Dorado* he had promised, no plea of piracy or plunder would have been set up against him. But he returned an unsuccessful man, broken down with the misery of having seen his son perish by his side; and to the greedy longings of James and his court, the *El Dorado* had again shifted to Madrid. Yet better would it be for the Spaniard, said Northumberland, if this match is to go on, that they should send over a million to save that man from death; and better for the English, if the match is to be laid aside, that rather than kill him they should give a million to Spain. All intercession was vain however. Vain were the entreaties of the good-humoured queen, remembering how Raleigh was loved and admired by her lost prince Henry; vain the dying prayer of the Bishop of Winchester, who for one last favour begged 'the life of an old gentleman, a great offender, who was yet dearly respected by the great queen.' The king was merciless; Bacon and the judges had their instructions;<sup>2</sup> and the 'old gentleman,' summoned but once before the king's-bench, on the morning of the 28th October 1618, and there eloquently but vainly pleading against a sentence passed fifteen years before that had since been

<sup>2</sup> It is said to have been Bacon's opinion, expressed before Raleigh sailed (*Somers's Tracts*, ii. 457), that his commission as marshal, with the epithets *dilecto et fidei*, was equivalent to a pardon under the great seal; but Bacon certainly acquiesced in his execution.

superseded by a commission giving power of life and death, was told that on the next morning he must die.

When he went back to the Tower that day, a divine in attendance upon him said that he found him the most fearless of death that was ever known, yet with reverence and conscience. 'When I began to encourage him against the fear of death, ' he made so slight of it that I wondered at him. When I told ' him that the dear servants of God, in better causes than his, ' had shrunk back and trembled *a little*, he denied not, but gave ' God thanks he never feared death, and much less then ; for it ' was but an opinion and imagination ; and, as to the manner of ' death, that to others it might seem grievous, yet he had rather ' die so than of a burning fever.' He had been subject, ever since his betrayal by the villain Stukeley, his kinsman and the vice-admiral of Devon, to alternations of fever and ague ; and from one of these fits he arose on the morning of the 29th of October. He smoked his last pipe ; drank his last cup of sack, with the remark that it was good liquor if a man might stay by it ; and said that he was ready.

The scaffold was erected in Palace-yard ; and among those looking on from an opposite window were some lords well known to him, one of whom was the same Sir John Holles whom we have seen at a very different execution, and who had since bought his barony for six thousand pounds. That Eliot also was present, may be inferred from a description he afterwards gave of the scene, carrying with it a strong presumption that he must himself have witnessed it. He had indeed many incentives to such a special interest as would have led him to watch narrowly the tragedy to its end. He, as well as Raleigh, was of an old Devonshire family ; both were new residents in Cornwall ; and through the Champenownes, one of whom had given Raleigh birth, their families were in a degree related. The man, too, who had betrayed his kinsman and countryman, held the office which Eliot at this time desired to fill ; and upon the quickly following disgrace of that conscience-stricken tool of the court, Sir Lewis Stukeley, vice-admiral of Devon, Eliot first entered public life. Hardly a doubt therefore needs be entertained, that on that cold October morning Eliot's was among the throb-

bing hearts agitated by the scene he has described, in which, whether sorrow or joy predominated, One man only remained calm.

Matchless indeed, says Eliot, was his fortitude! It was a wonder and example which, if the ancient philosophers could have witnessed, they had acknowledged as the equal of their virtue. 'All preparations that are terrible were presented to his eye; guards and officers were about him, the scaffold and the executioner, the axe, and the more cruel expectation of his enemies; and what did all this work on the resolution of our Raleigh? Made it an impression of weak fear, or a distraction of his reason? Nothing so little did that great soul suffer. He gathered only the more strength and advantage; his mind became the clearer, as if already it had been freed from the cloud and oppression of the body; and such was his unmoved courage and placid temper, that while it changed the affection of the enemies who had come to witness it and turned their joy to sorrow, it filled all men else with admiration and emotion, leaving with them only this doubt, whether death were more acceptable to him or he more welcome unto death.'<sup>3</sup>

So indeed it was. The only anxiety he showed was, that his ague should not return before the axe descended, and his trembling be mistaken for fear. He felt its edge, and smilingly calling it a sharp medicine, said that it was a physician for all diseases. As he calmly uttered what finally he had to say, the lords left their window, and crowded upon the scaffold to hear him. Laying then his head upon the block, it was objected that he ought to lay it towards the east. 'What matter,' he said, 'how the head lie, so the heart be right?' an expression that became a household word in England.<sup>4</sup> He spoke once again, the executioner having paused and hesitated. 'Why dost thou not strike? Strike, man!' With which that famous Englishman passed away; doing more harm to Spain by his death than in all his life, though he had never ceased to assail her. For he left the legacy of his hate to diffuse itself among tens of thousands of his countrymen; with not one of whom did it work to

<sup>3</sup> *Monarchy of Man.* (ms.) Brit. Mus. Harleian Coll. 2228.

<sup>4</sup> It reappears frequently in Wentworth's and other correspondence.

more decisive ends than with him who turned from Palace-yard with the feeling he has so eloquently expressed, and to which his public life, dating from this day, bore the further testimony of never-ceasing resistance to the foreign power that had triumphed over Raleigh.

Retribution swiftly overtook his betrayer. The court deserted Stukeley under the load of ignominy which fell upon him, and Eliot became a candidate for the vice-admiralty of Devon. He could hardly have anticipated that the time would arrive, when, for this and all else in the gift of the court, there would need but a favourable word from his old travelling companion.

## BOOK SECOND.

SIR JOHN ELIOT: VICE-ADMIRAL OF DEVON.

1619-1623. *ÆT.* 27-31.

- i. Appointed to Office. ii. Capture of Nutt the Pirate. iii. Before the Admiralty Court. iv. Justice *with* respect of Persons. v. In the Marshalsea Prison.

### *I. Appointed to Office. ÆT. 27-31.*

RAPID and marvellous had been the rise of Villiers since the day, when, the king's eye having fallen on his young cupbearer with visible manifestations of delight, it occurred to certain great lords, enemies of the reigning favourite, that Somerset might be best disposed of by putting a new favourite in his place. It seems certain that this notion had arisen before the prosecution for Overbury's murder was in hand, and that it rendered easier the proceedings consequent on that event. But the plan succeeded far beyond the design or desires of its projectors. Well might Lord Clarendon exclaim, 'Never any man in any age, nor, I believe in any country or nation, rose in so short a time to so much greatness of honour, fame, or fortune, upon no other advantage or recommendation than of the beauty or gracefulness of his person.' At his outset Villiers had indeed no other; but altogether to deny his possession of qualities accounting for a successful grasp at power, would be as unfair to him as to the man who early discovered in him what a higher intellect might respect without forfeiting its own esteem. Of merits justly challenging admiration from a nature which in vivacity and quickness of impulse resembled his own, Villiers certainly had no lack; and hence it was that Eliot, with a purer purpose and more sustained resolution, found occasion more hotly to resist,

in later years, the ill-employment of what earlier seemed so fair. Not yet however does that later time present itself; and with the successive steps in the ascent of Villiers's fortunes, these pages have no immediate concern. The poor but handsome young cupbearer had become a knight; the knight had become a baron, a privy councillor, a viscount, a knight of the garter, an earl, a marquis; the marquis had quitted the place of master of the horse to become lord high admiral, and dispenser of all offices and favours; and now the patent of dukedom was preparing, and that marvellous fortune was fast rising to its culminating point; when the fate of Eliot of Port Eliot became again interwoven with it.

Eliot was in his seven-and-twentieth year when, after the appointment, in January 1619, of the Marquis of Buckingham to be lord high admiral of England, his intercourse with his old travelling companion was renewed. Soon after the disgrace of Raleigh's kinsman and betrayer, we find him doing duty as vice-admiral of Devon, and it was undoubtedly at that time, in May 1618, he received the dignity of knighthood; but he does not seem to have obtained the formal patent of his office until the following year, when the new lord-admiral made a direct grant of it; and this, with more extended powers, was renewed three years later to his old and early associate, with whom the intermediate discharge of its duties had again brought him into personal communication.

A vice-admiral then represented, in his particular district, the chief of the naval administration. He was himself judge, as well as administrator and captain. He pressed men for the public service at sea. He boarded pirate ships; decided upon the lawfulness of prizes; adjudged salvage claims for wrecks; and, in return for his charges and exertions, divided his various seizures and fines with the lord-admiral. A necessary condition of his patent, was the rendering account of such fines, seizures, and other emoluments, at stated times. In those days, when every part of the channel was swept by pirates, and losses and damage at sea were perpetual, not a little of the personal security of inhabitants of the coast, as well as all the safety of commercial enterprise, depended on the honesty, capacity, and spirit,



with which a vice-admiral discharged his office. But it had very great dangers in addition to great responsibilities. The vice-admiral took the risk, and where a seizure was successfully contested, upon him the loss fell. It was at that time far from unusual that a pirate should have powerful friends, not merely in the foreign governments under whose flag he sailed, but among the very courtiers at Whitehall whom he had bribed. The same position of wealth and independence, however, which made Eliot one of the first men in his county, and had pointed him out for his office, kept him above the temptations in exercise of its functions to which other vice-admirals had been known to succumb; and the power and success of his admiralty administration were not more attested by the good opinion of his friends, than by the number and pertinacity of his enemies. The first employment of it in connection with the council will illustrate vividly these remarks. Buckingham was not in England at the time. It is during the absence of the lord high admiral in Spain, whither he went in defiance of popular feeling to play the game of the court, and from which he returned in defiance of the court to play a popular game more hazardous and which indirectly led to his destruction, that the vice-admiral of Devon enters on the public scene.

## II. *Capture of Nutt the Pirate.* ÆT. 31.

Early in April 1623 Eliot was in communication with the privy-council on what seems to have been his first express employment under their direction. He had been busy pressing seamen for the king's service with but indifferent success. Following instructions sent down by the commissioners of the navy (through a Mr. James Bagg, of whom much has hereafter to be said), he had issued precepts to the constables in the western parts of the south of Devon to summon all the mariners and seafaring men within their precincts; but the appearances to the summons were small. A large proportion of mariners had lately gone for Newfoundland. Others had secretly withdrawn themselves on rumour of the intended order reaching them; for intelligence of the letters of the council had been suffered to get

abroad almost a fortnight before they were delivered. The result was that in Eliot's belief there was not a tenth man present, though every precaution had been taken. He called to his assistance a man who bore great authority in the west, a member of two of Elizabeth's and all James's parliaments, and always on the popular side. 'I had the assistance of Sir Edward Giles, 'and with his help have pressed between this' (he is writing from Plymouth) 'and Dartmouth eighty men, the ablest we 'could meet, and not the worst, I presume, that have been so 'entertained.' But notwithstanding that he had learnt from their messenger, Mr. Bagg, that Mr. Drake would raise the rest of the number in the eastern parts, as yet he had neither been afforded direct advertisement, or a meeting therein. There had, in short, been failures of duty on the part of persons employed as well as summoned. He had been informed, since the 'prest' of divers that had committed neglects; and of some that in contempt of the command had drawn their ships and men out of the harbours. Against such he should effectually take proceeding. For those others who had absented themselves in voyages, and, in contempt of his majesty's proclamation and their lordships' special order, had departed deliberately and 'of purpose,' their punishment ought to be something extraordinary to make them an example.<sup>1</sup>

In the reference to the departures for Newfoundland, and in the closing intimation of designs against defaulters, there was much in this communication of Eliot's that must have carried, to some members of the council, a less satisfactory meaning than it was intended to bear, or than it did actually convey to the rest. It pointed at the influence exerted at this time, to the prejudice of the king's service, by a man who had placed himself above the laws, and was suspected to derive, through the influence of privy-councillors sworn to administer them, the opportunities by which he defied them. No one conversant with this period of our history can have failed to be struck by the extraordinary lawlessness that prevailed at sea. The coasts for the most part were without watch or defence. The dissolute

<sup>1</sup> S. P. O. 8 April 1623. Eliot to 'the Right Honourable the Lords of 'his Majesty's most honourable Privy Council.'

extravagance of the court took no heed of the subject's claim to protection ; and if a needy lord could fill his spendthrift purse for a day by help of a maritime freebooter, the honest merchant was helpless against the plunderer and pirate.

As a consequence, the coasts swarmed with such ; but of all who had so obtained infamous distinction, the most notorious was Captain John Nutt. This man had possessed himself of several pirate ships, and no point along the Irish or western sea was safe from his attacks. His career had commenced as gunner of a ship in Dartmouth harbour bound for Newfoundland ; on arriving at which place he had collected a crew of worthies as desperate as himself, seized a French ship with which he subsequently captured an English ship from Plymouth of larger tonnage, added afterwards to his force a Fleming of near two hundred tons, and having enriched himself by ravaging the fishing craft in the Newfoundland seas, had returned, too strong for capture, to the English coasts. This was the third year of his piracies. He tempted men from all the services by higher wages and more certain pay. It was by his help that the king's seamen, so eagerly waited for by Eliot in Plymouth-roads, had meanwhile safely passed over to the shores of Newfoundland. Mayors and municipalities of seaports and harbours, in both channels, poured in upon the council complaints of his outrages ; of his laughing from his safe retreat in Torbay at the attempts to make seizure of him ; of his impudently wearing the very clothes of the men he had plundered ; of his bragging of the pardons he had received. It was too true. More than one pardon had been signed for him, on condition of his surrender within certain dates, of which the effect would have been to leave him unmolested in possession of his plunder ; but his surrender within the time limited had been prevented by Eliot's relentless pursuit of him, and the intercession for so worthy an object by sundry of the courtiers and privy-councillors had thus far been baffled only by this daring and decision. Twice, while friends ashore were waiting for him with these pardons in their hands, had the resolute vice-admiral driven him out to sea.

Shortly after his commission placing him in direct communication with the council, the proceedings of this man were again

brought under Eliot's attention. He had returned from sea and once more put into Torbay. Thither immediately went Eliot, and made what attempt he could to effect his capture. He watched the persons with whom he held correspondence, obtained access to his places of resort, and omitted no opportunity that offered any chance or advantage of surprise. But the pirate was too strong for the vice-admiral. Riding in a place that could not be commanded, and landing in great force when at any time he came ashore, he laughed at the endeavours to seize him. The complaints against him were meanwhile of such a character that Eliot sent up the particulars to the council-table, and desired advice and instructions. No answer was returned to that letter, which was however crossed, some days subsequent to its date, by a letter of secretary Conway's previously written, of which the object was to show both the urgent necessity that had arisen, and the kind of offender with whom Eliot had to deal.

By an information taken in Ireland, Conway said, it appeared that Captain Nutt much infested the Irish and western coast, and had committed many insolent and brutish piracies, to the disturbance of quiet trade and the great prejudice of his majesty's subjects. Further it seemed, that some hopes having been held out to him of a pardon from his majesty (his majesty had already with his own hand subscribed two pardons!), the pirate had been lately in the habit of making his retreat at Torbay, near which he had a wife and children, and of occasionally landing there. This information therefore was given, to afford opportunity to the vice-admiral of Devon to do a service very beneficial to the country, and acceptable to the king; whose express pleasure and commandment it was that, calling to himself all necessary aids, he should employ his best diligence, care, and discretion to apprehend the pirate as he came on land. The task thus imposed by the secretary, with so evident a sense of its difficulty, the vice-admiral had meanwhile achieved, unassisted and on his sole responsibility.<sup>2</sup>

A chance for success had unexpectedly presented itself. A

<sup>2</sup> S. P. O. 12 June 1623. Conway to 'Sir John Eliot, Vice-Admiral of Devon, at Plymouth. Sent by post at 8 o'clock in the morning.'

copy of the last pardon granted to Nutt having been brought under the vice-admiral's notice, he observed, upon examination, that a question might fairly be made whether it did not still possess efficacy. In reality Eliot seems to have known that it would not hold in the admiralty-court. It was a pardon for all piracies committed until the 1st of February, but with extension of time for notice to the pirate that might make it valid until the 1st of May; it was now, however, near the close of that month, and there was hardly a possibility of any question as to notice being successfully raised; but if Nutt could be induced to believe that it had force, there was sufficient doubt to justify Eliot before the council for having appeared to act also under that impression; and, the man once taken, the amount of public service done would be a reply to all objections. Eliot caused intimation accordingly to be conveyed to Nutt through one of his officers, and the result showed that he had not been misinformed of the pirate captain's disposition to fall into such a snare. Nutt, arguing the matter from his own point of view, believed that Eliot would rather deal with him for a valid pardon, and share the advantage of the fine with the lord-admiral, than play merely the losing game of serving the public by entrapping him into a surrender, and visiting upon him the penalties of law.

Very wary nevertheless were the proceedings on both sides. Eliot rode from Plymouth to Torbay upon promise of a conference; but the pirate's heart failed him on arrival of the vice-admiral, who had then again to consider whether the game was worth the candle; whether it befitted him to be more reckless than the pirate of personal danger; and if it was wise to risk, amid a crew of outlaws, the chance of a discovery of the artifice he meant to practise. But he resolved to encounter the hazard, and he went on board Nutt's ship on the 6th of June.

The first thing he saw, on reaching the pirate's deck, was that Nutt, even while the negotiations for his submission were in progress, had made prize of an English merchantman, a Colchester ship with a cargo of sugar and timber. This capture should be given up, said Eliot; at which Nutt betrayed so much sudden indignation as to place the vice-admiral more decidedly on his guard. It was, thenceforward, craft against force for all

the rest of the interview. The three hundred pounds originally promised were enlarged to five hundred. Before Nutt surrendered, and in earnest of the further fines to be paid, he was to permit Eliot's officer to seize six packs of calveskins. The terms were settled in the pirate's cabin, over a flask of wine; and when it was afterwards reproached to Eliot, that, upon the captain of the Colchester ship kneeling to him in an agony of entreaty for his interference to save what was valued more than life, he had disregarded the petition, Eliot made answer very much to the point.

'It is true, such a one came to the cabin-door, where the vice-admiral was drinking with Nutt, and petitioned for his ship and goods when it was in no one's power to do him any service; neither dared Sir John Eliot earnestly importune Nutt, at that time, on his behalf; for at his first coming aboard, when he understood that the captured ship was English, using some words special to persuade Nutt to quit her, in respect the king had now granted him a pardon, Nutt presently fell into a passion, and vowed not to accept the pardon but upon condition to enjoy what he had. Sir John had not even spoken with the man that knelt.'

What Sir John meant to do when he should have left the ship, and Nutt had completed his act of surrender, was already determined. But something in his manner had awakened Nutt's suspicion, and he had scarcely landed after leaving the ship, when the pirate made another effort to get him on board. Suspicion again disarmed by a skilful letter from Sir John, Nutt came ashore; was placed at once under temporary arrest; and Eliot, taking steps to secure his ship and her prize, wrote to the council.<sup>3</sup>

Since his last unanswered dispatch respecting Captain Nutt, he said, the latter had, upon knowledge of a pardon which his majesty had been pleased to grant him, submitted and brought his ship into Dartmouth; whereof he presumed to give their lordships intelligence with a view to such directions as they might impose for his majesty's service. The pardon was of the 1st of February, but it bore extension 'to some liberty for notice which 'it seems he met not until now.' In other words, though out of date, the pardon might be sustained on the ground of time for

<sup>3</sup> These various facts are from the original records of the admiralty-court (S. P. O.), under date of 24 July 1623.

notice of surrender, as to which opportunity had only now been given. But Eliot went on to show how ill-deserved any such grace would be. There were three months only prefixt (he means that the condition of pardon was for surrender within three months of its date); the time had expired; and the man had since committed many depredations and spoils. In one week he had taken twelve ships on the western coast; and only on the preceding Thursday or Friday, while these matters were in progress, he had surprised a Colchester brig just returned from the Islands laden with woods and sugars, which still he detained as prize.<sup>4</sup>

Eliot's object in this letter appears clearly, when stated in connection with the terms of the pardon. Upon those terms, and upon the fact of Nutt's possession of the Colchester prize, turned consequences that were to prove serious to the vice-admiral. Nutt was to pay five hundred pounds as a fine to the lord-admiral on the pardon being confirmed to him; and for payment of this fine (which Eliot by the terms of his patent would equally share), immediate security in goods, if not the money itself, was to be taken by the admiralty. It was for the council therefore to decide whether the pardon should be treated as *bonâ fide*, the fine exacted, and the man exempted from further consequences; or whether he should be held to have forfeited any assumed rights under it, and be made responsible in purse and person for his misdeeds. Of the view taken by the vice-admiral himself, however adverse to his own interests, his letter left little doubt.

'In these things I am doubtful what to do without some especial order. These insolencies which he has here acted, and so lately, upon our own merchants, makes me think his majesty will resent them as his own wrongs, and not worthy of his pardon. The reputation of that grant is so large, as I dare not dispute his majesty's intention; but, as something too high, I must fly to your lordships' favours for construction, which I most humbly crave.'

A hard service, then, for an honourable man to follow! in which, the necessary force for protection of the subject being withheld, craft had to be employed in its place; and officers of state, in mere deference to its supreme authority, had to cover

<sup>4</sup> S. P. O. Eliot to the Council. Dartmouth, 10 June 1623.

with elaborate professions of respectful courtesy their indignation at pardons extended to public rogues and plunderers.

But we are still only on the threshold of the strange story of the capture of Captain Nutt.

While the affair of the capture was in progress, and Eliot remained watching Nutt in Dartmouth, there came an incident that showed, in a characteristic way, his energy and humanity. One of his officers informed him of a plot laid between the skipper of a large Hamburg ship laden with corn, and a Dutch crew which after dismissal from a ship of war had come from Plymouth, whereby the Hamburg ship had been surprised and taken while she lay at anchor in Torbay; 'from whence,' as Eliot afterwards wrote to secretary Conway, 'they were going 'with her to seek some other purchase, and so to have furnished 'her for a man-of-war.' But no sooner had the transaction been disclosed to the vice-admiral, than he manned forth himself a little barque with thirty or forty men, attacked the conspirators, brought the ship into Dartmouth, and packed off the delinquents to prison.

A striking passage in Eliot's account to the council of this exploit, and his prize, occurs just before his assurance to them that upon the least word from their honours he will see the cargo carefully disposed for the best advantage of my lord-admiral.

'The corn begins to heat, and will impair much in a little stay; so that there must be some present course taken to prevent the loss that otherwise will follow. It is a good quantity, and might be a great help to this country, which now suffers a hard necessity and dearth, and labours much with the miseries of the poor. But therein I dare do nothing without your lordships' order, which in a matter so important I hope you will be pleased to honour me with. The prayers of the poor will therein ever follow your lordships; and the country shall be bound to acknowledge so large a benefit and supply.'<sup>5</sup>

A desire for the people's benefit is at all times manifest with Eliot. On every occasion he is also scrupulously on his guard to keep the nature of his commission distinctly before the council, and, by subordinating his own power always to the larger authority of the lord-admiral, and claiming no profit that does not strictly fall within his patent, to avert the danger of

<sup>5</sup> S. P. O. Eliot to the Council. Dartmouth, 12 June 1623.



personal imputations. It is not the less necessary to keep it in mind because in this object, so important to an honourable man in an age of dishonour, he will be found to have failed.

As to Nutt, though the lords of the council still continued silent, they were not suffered to remain at rest ; for on the very day when Conway had written to Eliot at the king's desire, the mayor of Dartmouth, Mr. Thomas Spurwaie, was addressing my lords upon the same subject. The recent return of Nutt from Newfoundland had affected the district as with a sudden panic, and on all sides they were stretching out hands for help, when the help of Eliot so unexpectedly came. The worthy mayor appears to have been filled with admiration of the subtlety and success, and 'the wise and discreet carriage of our Sir John Eliot, vice-admiral,' in having at last brought to bay a man who had committed such barbarous ravages and cruelties ; and not less with wonder at the circumstance of certain private gentlemen having been solicitous to obtain pardon for him. The good Mr. Spurwaie thinks it also right to add an admiring mention of the good services further done by the vice-admiral in the matter of the Hamburg ship, captured by a crew of rascally Flemings, and retaken without bloodshed by the promptitude and gallantry of Sir John Eliot.<sup>6</sup>

At about the same date Eliot was himself narrating to Conway the circumstances of Nutt's arrest, of which the result had been to free the trade, which his lying on that coast had so much impeached ; and to give no small content to all the merchants, 'who as much feared his going to Newfoundland as the evils they suffered from him at home,' but as to other matters connected with which, and particularly as concerned the persons of the man and his crew, he was at some loss how to act, until he

<sup>6</sup> The letter (ms. S. P. O.), marked 'Haste, haste ; give these with speed,' bears not only the endorsement 'Received at London the 15th at 4 afternoon,' but also a note curiously showing the successive dates and stages of the messenger's journey. 'Hartford-bridge past 5 in the morning. Stroud at 3 in the afternoon. Exeter at 10 in the night the 13th of June. At Honiton about 2 in the morning June 14th. At Crewkerne (?) past 7 in the morning June 14th. At Sherborne at 10 in the morning 14th. At Shrewsbury past 12 of the clock at noon the same day. At Sarum past 3 in the . . . the same day. Andover past 8 of clock in . . . the 14th day of June.'

should be informed of the extent of his majesty's intentions in the ~~pardon~~ whereof he dared not be interpreter.<sup>7</sup> To this a short but emphatic reply was sent by Conway from Wanstead to the effect that without having regard to any pardon he was to apprehend and put in safe custody Nutt and his accomplices, and was further (if not already done) to send up Nutt himself to the lords of the council. He was to seize, and place in sure hands, the pirate's ship; and all the goods ('he being held to 'be very rich') were to be kept 'without embezzling.' He was also to inquire of, and keep until further orders, all goods brought on shore; in what hands soever the same should be found.<sup>8</sup> And these instructions were accompanied by a letter in which the highest commendations were bestowed on Eliot for his service; and wherein it was intimated to him that when the time should serve for his attendance at court to render personal account thereof, he would be admitted to the favour of kissing the king's hand. Before this letter reached Eliot, the pirate's crew were all under arrest, and the pirate himself sent prisoner to the council-table.

But already, during the very interchange of these letters, a communication had been forwarded to the mayor of Dartmouth, importing into the affair a new and unexpected element. Through some members of the council, an order of the admiralty-court had been obtained for restitution to her owners of the Colchester ship; and immediate compliance with this order, issued by way of commission to the mayor and two others, one being the provincial judge of admiralty, Mr. Kifte, was directed to be enforced without delay against the vice-admiral. Eliot instantly suspected an unseen influence working against him. From the first he had made no secret of any part of this transaction, stating that he temporarily held the ship only in trust for the admiralty, until the question as to Nutt's pardon, involving payments due to the lord-admiral, should be determined by the council. Nutt, who was known to be wealthy, remained primarily responsible to her owners; and the temporary detention of the ship by Eliot, to whom they would wholly be indebted for her

<sup>7</sup> S. P. O. Eliot to Conway, 16 June 1623.

<sup>8</sup> Ib. Conway to Eliot, 20 June 1623.

ultimate restitution, was simply to retain for that time over Nutt a power to compel him yet to give back more largely of his ill-gotten gains. But to proceed as now proposed, with his authority as vice-admiral superseded by an inferior officer, and without further notice of his representations as to the conditions of the pardon, Eliot felt to be an unworthy and designed slight; and believing himself secure in the good opinion of Conway and the favour of the king, just expressed to him so strongly, he determined to resist.

But he had miscalculated his means of sustaining himself in such a resolution, and had now to learn the strength of the influence, which, from what seemed to be a very abyss of defeat, captivity, and hopeless disgrace, the pirate captain could yet direct against him. His determination was announced to the commission on the 25th of June, and the month of July had scarcely opened when the vice-admiral of Devon lay a prisoner in the Marshalsea. The writ to the keeper of that prison is dated the 4th of July; and, by the middle of the month following, there had passed under the king's own hand, the same which Eliot was to kiss in full reward for having rescued the land from Nutt's piracy and plunder, a free and unconditional pardon to the pirate and plunderer.<sup>9</sup>

Before showing what other hand it was that had been secretly pulling the strings, and effecting this sudden change, it becomes necessary to exhibit the nature of the charges preferred against Eliot before the council. They are sufficiently curious to justify some detail; and, taken with the circumstances already related, they complete a singular picture of the time.

### III. *Before the Admiralty Court.* æt. 31.

The charge as to the Colchester ship and her cargo appears immediately to have broken down. No pretext was found for alleging that Eliot's proceedings in that matter were in any respect wanting in good faith. There is nevertheless no doubt that the arrest of the vice-admiral had been passed at the coun-

<sup>9</sup> The pardon bears date the 18th August, and, under that date, remains in the state-paper office.

cil, upon a complaint handed in by the captain of the Colchester ship, which, as it is in its way a curiosity of letters, I present exactly as it may still be seen in the state-paper office.

'The 4<sup>th</sup> of June nowe p<sup>s</sup>ant Captaine Nutt tocke our shipe sune twoe leags of Dartmouthe and caried hur into y<sup>e</sup> road of Torbaye whear he and his cumpeny remained veuinge and serchinge hur untell nexte daye in y<sup>e</sup> after none after ward Captaine Nutt went aborde his owne shipe and thether y<sup>e</sup> visambrall broughte y<sup>e</sup> saide Captaine his pdone, and havinge conferd closely y<sup>e</sup> spase of twoe owers in y<sup>e</sup> cabine of y<sup>e</sup> shipe of y<sup>e</sup> said Nutt y<sup>e</sup> visambrall returned ashore all this tyme y<sup>e</sup> said Nutt tocke nothinge from us butt y<sup>e</sup> Ambrall Returninge aborde againe w<sup>th</sup> all speed, went w<sup>th</sup> y<sup>e</sup> Captaine aborde our shipe and in his p<sup>s</sup>ance hoyssted out 14 chestes of sugar y<sup>e</sup> w<sup>ch</sup>e beinge out y<sup>e</sup> Ambrall returned ashore againe he beinge gone Nutt cawsed y<sup>e</sup> haches to be shett and noe more sugars to be tacken out of our shipe, butt p<sup>s</sup>antlie forced all y<sup>e</sup> men w<sup>ch</sup> belonged to our shipe to goe ashore only w<sup>th</sup> y<sup>e</sup> clothes thaie had onst their backes and afterwarde caried our shipe into y<sup>e</sup> harbour of Dartmouthe w<sup>th</sup>out anny one of our men whear wee are informed y<sup>e</sup> Ambrall makes price of hur.'

The 'visambrall' had little difficulty, as may be supposed, in disproving the charge of having attempted to play the pirate himself; seeing that even Captain Nutt, eager to fasten upon him every kind of imputation, found this particular one too strong. He had no recollection of it, he said in his examination; and the worthy owners of the ship subsequently bore testimony that ship and cargo had been restored to them without a chest of sugar wanting. It was yet upon a charge so made, that the council sent their messenger to bring Eliot up to London; committed him to the Marshalsea prison; and afterwards referred it to the judge of the admiralty, Sir Henry Marten, to make report therein.

Nutt was the first person examined by Marten. Describing himself as of Limpston, in the county of Devon, mariner, he gave his own version of the foregoing narrative, confirming substantially the whole of it; complaining that he had been a victim to the vice-admiral's craft; and declaring that Eliot's object had been not so much a capture for the public good as the hope of making private gain for himself; in furtherance whereof he had not only seized prize to which he was not entitled, but had, through his officers, even suggested some of the piracies of which he had written so indignantly to the council.

The charges thus advanced, it is almost needless to say, carried with them their own refutation. For even the malice of particular

members of the council it was too monstrous an accusation to aver that Eliot, while at grave risks pursuing this man's capture, had yet openly encouraged him in the most shameless class of his piracies, and pointed out to him profitable sources of plunder. Eliot's officer, Randall, being sworn, solemnly denied their truth. He said it was foul calumny to ascribe to the vice-admiral any such thing. He denied emphatically having been sent on any such messages, at any time, as Nutt had sworn. He had himself, indeed, replied to questions put to him both by Nutt and his company, on occasions when he had boarded the pirate, respecting ships in the harbour of Dartmouth; and he certainly had mentioned that one of them had received fifteen hundred pounds for freight. But he did not thereby in any way encourage a design upon any of those ships. He vehemently denied having spoken the words with any such purpose, 'but only on the demand and inquiry of the said Nutt and others of his company;' and he never in any manner had used his master's name. Not the less, Sir Henry Marten told Randall at this part of his evidence, had he been guilty of a grave misconduct in talking as he did, being deputy to the vice-admiral. Again, at the close of his examination, Randall emphatically declared that no such message, or words in any manner implying such a sense, as that 'Torbay was no place for Nutt to ride in to get anything,' had ever been spoken by himself, or borne to any one from Sir John Eliot.

Sir John was then put under examination. Of the leading circumstances he gave plainly and simply the foregoing narrative; which his letters, written while under no suspicion of the possibility of such questions as were afterwards raised, bear out strictly in each particular. Until the interview at which he proffered the pardon, he had never seen Nutt; and excepting six packs of calveskins, laid aside at once for the lord-admiral's use, he had received from him *nothing*. By boarding Nutt's war-ship as he did, he had placed his own life in peril; and the passion exhibited by that worthy, on Sir John's remonstrating at the piracy committed since negotiation was opened with him, showed how imminent such peril had been. Indignantly Eliot declared, that so far from encouraging Nutt's wickedness in any way, he had done everything, not only of himself but through others whose testimony he challenged, to disable him from its commission. Nutt's own brother-in-law had appealed to him on the pirate's behalf, pending the first overtures from Nutt; and to him he had made it the condition of any possible favour that there should first be abandonment and restitution 'of all those spoils and rapines which he committed upon the coast.'

As for having ever, as Nutt had alleged, sent him word that Torbay was no place for him to ride in if he wished to get anything,

Eliot laughed to scorn that statement. His great desire had been throughout to keep Nutt by treaty in Torbay. It was the special object of all his endeavours so perseveringly made, that the man should not remove from the coast until there might be some means used to get him in; and the delays were in no degree attributable to himself, but to the failure of replies 'expected daily from the lords of the council.' This last was a home-thrust; and he dealt not less effectively with the extravagant assertion of his having sent to inform Nutt of ships worth taking that had come from Spain.

Let Mr. Rooper and Mr. Dove, of Dartmouth, be sent for, said Eliot. They would prove that at the very time to which this ridiculous charge related, he had, through them, arranged with the masters of that very fleet of ships at Dartmouth of twenty or twenty-one sail, which had just come out of Spain, 'to surprise Nutt in Torbay; to which they agreed and appointed with him at the first opportunity to go out upon him; but before they could get forth, Nutt was chased away by a Holland man-of-war.'

To questions having relation to the Colchester ship, to the goods taken from Nutt, and to the amount of fine to be exacted for the pardon, Eliot answered in the same frank decisive way. Upon the negotiation being opened, Nutt was to give three hundred pounds for the pardon; but at the interview he agreed to give five hundred, of which due entry was made for satisfaction of the lord-admiral. Nutt had never, in his presence, taken any chests of sugar out of his Colchester prize or forced the men out of her; but though he did not see this done by Nutt, he heard, before going on board his ship, that some chests had been moved and the men beaten out. He had himself received from Nutt, before his surrender, nothing but the six packs of calveskins seized by his officers for the lord-admiral's use. The fact of this seizure was notorious in Dartmouth, and formal notice of it had by his orders been immediately transmitted 'to Mr. Kifte, the judge of the admiralty in those parts.'

Such were the examinations taken by the chief admiralty judge, Sir Henry Marten; and it now remains to tell what course was thought not unbecoming in a chief judge of those days (and a fair judge as times went, with certainly a favourable disposition for Eliot), to whom it had been referred to decide upon charges against an officer of state in his own department, preferred by the lords of the privy council.

IV. *Justice with respect of Persons.* æt. 31.

The examinations were taken on the 24th of July, and on the 25th Sir Henry Marten wrote to the council.

According to their reference, he said, he had called before him Sir John Eliot, Captain Nutt, and a man, Mr. Richard Randall, whom Nutt avouched to have uttered, as from Sir John Eliot, certain lewd speeches importing an incitement of him to commit more piracies, upon assurance of pardon. Herewith he had sent to their lordships the answers of the three witnesses to his questioning, of which, so far as they concerned the subject propounded in their lordships' reference, he conceived the sum and substance to be—That Nutt charged Sir John to have given him such encouragement as aforesaid, both by letter and by his messenger Randall; but Randall entirely denied any such message, or any other ill office done him by direction of Sir John; and the pretended letter Nutt had not been able to produce, alleging it was taken from him among other things in his chests. Randall had however confessed some very objectionable words spoken by himself to Nutt's company. Of Sir John's examination, Sir Henry simply said that he had completely denied every accusation. And so, without other remark, he most humbly submitted both them and the cause to their lordships' wisdom and censure.<sup>1</sup>

He thus carefully avoided any expression of opinion as to Eliot, though of course he had formed one; and there will afterwards appear reason for believing that he was hardly less uneasy than Eliot himself at the continued detention in the Marshalsea. He was in truth a man not without a sense of justice, and he appears from the first to have wished that Eliot should be treated with as little harshness as might consist with the convenience of Mr. Secretary and my lords.

He had not on such easy terms, however, as at first he supposed, altogether got rid of this troublesome affair. On the 28th of July, the Duke of Buckingham's secretary, Mr. Aylesbury, a person high in his confidence, urgently wrote to secretary Conway to inform him that Sir John Eliot, vice-admiral to my lord in Devon, had told him there were divers casualties in his charge of which he was to make account to my lord, being tied thereto

<sup>1</sup> S. P. O. Sir Henry Marten to Conway. 25th July 1623.

by his letters patent ; and that he feared lest, by reason of his forcible detention in London, my lord might suffer through some negligence or miscarriage of businesses in Devon. With this he could not but acquaint Mr. Secretary, in duty to my lord and no otherwise ; leaving it in all humbleness to Mr. Secretary's wisdom, and desiring pardon for a boldness which had no other ground but Mr. Secretary's noble and tender care of my lord's affairs.<sup>2</sup>

Well might Mr. Aylesbury say so ; for 'my lord,' in all that pliant court, had no service more pliable than Conway's. He had been lifted into favour, now something less than two years past, by the mere fact of Buckingham pronouncing him to be 'excellent company ;'<sup>3</sup> and duty to 'my lord' had since been the law of his being. Strong as had been his acknowledgment of Eliot's service, in Nutt's capture, before the objections interposed by the council, his interest for him since had marvellously slackened ; but the possible anger of 'my lord' was a new consideration, and, replying to Mr. Aylesbury by a letter which he desired him to take to Marten, he wrote to Marten himself, and he wrote to Eliot.<sup>4</sup> To the judge went the great duke's man accordingly ; and on the 4th of August reported to Conway that Sir Henry would immediately be ready with the further letter desired in the business of Eliot, and that Eliot had made him acquainted with what Mr. Secretary had sent to himself, which, though it gave him a notice he never had expected, he was yet much bound to his honour for. Mr. Aylesbury closed his letter by assuring Conway that his conduct declared his nobleness to my lord, and justified the high esteem in which the writer well knew that his gracious master held Conway's faithful love and friendship.

Sir Henry Marten's second letter in Eliot's business bears date that same 4th of August, and its opening intimation reveals to us, as well the character of the request made to him by Con-

<sup>2</sup> S. P. O. Endorsed 'Mr. Aylesbury concerning Sir John Eliot.'

<sup>3</sup> This, wrote Chamberlain to Carleton on the 5th Oct. 1622 (S. P. O.), with a clever and successful dash at prophecy, 'is like to make him 'secretary.'

<sup>4</sup> These letters (S. P. O.) all bear date the 2d August from 'Salisbury.'



way, as the name of the person who in secret had been influencing all those proceedings against Eliot which made so vast a change in his prospects and position, since the day when his majesty's second secretary of state had prematurely promised him the favour of kissing his sovereign's hand. This was no other than his majesty's principal secretary, Sir George Calvert, soon to avow himself a Roman-catholic and retire across the Atlantic with the title of Lord Baltimore ; and for the present so busy in looking after his colony in Newfoundland as to have thought a service rendered to his interests there, by a pirate captain, atonement enough for all that pirate's atrocious crimes, and reason sufficient for setting up a confessed infamy above the fame and service of an English country gentlemen of rank and esteem, himself a high officer of state.

Marten begins by repeating to Conway the substance of the examinations already sent to Calvert and the council. He indicates especially Nutt's failure of proof as to any of the charges made, and declares himself, on the whole, as of opinion that Eliot ought to be enlarged. To keep him longer imprisoned, at this time, must of necessity be very inconvenient to his majesty's service and my lord-admiral's profits ; whereas to enlarge him upon fitting cautions until my lord's return could breed little inconvenience.

The style of reasoning, though startling at first, on reflection is seen to be less so ; and one is obliged to admit that a judge, addressing a secretary of state in this reign, with sufficient proofs before him of innocence or of guilt, could not more appropriately have argued for imprisonment or for freedom than by showing in how far the one or the other would be convenient or inconvenient to my lord.

On the other hand, the inconveniences to my lord by longer restraint would be, first, that Sir John having under his charge, to the use of my lord, divers ships and goods to a great value, he might pretend, for an excuse, that in his absence they perished or were diminished. The second inconvenience was, that he and his deputy Randall being both imprisoned, all things belonging to the lord-admiral were neglected in those western parts. For example, a sessions for the admiralty ought at this time to be kept in Devon for the execution of some of Nutt's men, who, being twenty-three in number, so pestered the prison that an infection was feared ; as to which, Sir Henry continued, he was daily importuned by the magistrates of that country, who also advised that if they should all be set

at liberty, they would undoubtedly do some notable mischief; and a sessions could not possibly be held there without Sir John Eliot the vice-admiral.

In other words, this impartial judge could assume such severity on occasion, that while he hesitated to declare whether Nutt should hang Eliot or Eliot should hang Nutt, he entertained no doubt of the propriety of Eliot's going down to hang Nutt's crew, whose sole crime consisted in the fact that they had been the accomplices and agents of Nutt's far greater crime.

Since, therefore, Sir Henry continued, in his apprehension it so much imported the service of his majesty and my lord that Sir John Eliot should continue in the place of his government until my lord's return, and his being there in such interim could in any case do little harm 'if he be cautiously bailed,' it was to be hoped that that plan might be adopted. In the mean time (he is really too just not to add this), he must do Sir John Eliot the right to say, that his bringing in of Nutt was *factum bonum* if not *bene*; for, though Nutt did solicit for his pardon, and offered thereupon to come in, yet he ceased not to commit outrage upon all the vessels he met, until the day when Sir John gulled him with the show of a pardon out of date. And so, with thanks to his honour for having eased his heart by the assurance that his majesty had *not* withdrawn from his judge of the admiralty his usual annual favour of two bucks, 'the very conceit' whereof would have done him more hurt than any bucks could do 'him good,' Sir Henry Marten takes his leave, and rests Mr. Secretary's most humbly to be commanded.

That was on the 4th of August; and whether Mr. Secretary was likely to have given greater heed to its moving intercession for the rights of my lord, or to its unmoved intimation of the probable innocence of Sir John, it is not given to us to know; for now his fellow secretary appears upon the scene, not scrupling to express under his own hand a sympathy for 'that unlucky fellow Captain Nutt.' The effect of Sir George Calvert's letter was to trouble the judge of the admiralty with two more questions, which may be given, with the replies, from Sir Henry's draft, still lying in the state-paper office.

'I have endeavoured, according to your command, to return you some satisfactory answers to the questions which your honour yesterday propounded to me concerning Captain Nutt.

'*Question 1.* Whether Captain Nutt did commit any piracy after Sir John Eliot had been with him and showed him his pardon?

'*Answer.* I do not find he did, but until that time that Sir John Eliot

was with him and showed him an exemplification of his pardon he did daily continue his pillaging and spoiling of all that he could meet and master, which were very many ships, as I understand.

'Q. 2. What restitution hath been made of the ships and goods taken by Captain Nutt?

'A. Since he came in, the admiralty, by direction of the lords of his majesty's council, hath made restitution to the proprietors of the Colchester ship and goods, as also to the Bristow men of their goods.

'And Nutt's man-of-war and the rest of the goods by him brought into Dartmouth do still remain there in sequestration.

'HENRY MARTEN.'

Mr. Secretary Calvert pronounced these answers of Sir Henry's to be somewhat of the driest, and thought 'he might 'have made his certificate fuller if it had pleased him, and with 'as good a conscience also.' So difficult was it for the wariest of judges to pilot himself through the quicksands and shoals of my lord and two state secretaries. However, Sir George Calvert consoled himself by thinking that Sir Henry's cold comfort might yet suffice for his majesty's satisfaction; and went on, with a very suspicious earnestness, to protest that he was not himself to receive any direct recompense from the object of the king's grace, in other words was not to have any share in Nutt's well-known gains.

'The poor man is able to do the king service, if he were employed; and I do assure myself he doth so detest his former course of life as he will never enter into it again. I have been at charge already of one pardon, and am contented to be at as much more for this, if his majesty will be graciously pleased to grant it. Wherein I have no other end but to be grateful to a poor man that hath been ready to do me and my associates courtesies in a plantation which we have begun in Newfoundland, by defending us from others which perhaps in the infancy of that work might have done us wrong. And this is all the end and interest I have in it; not looking for any manner of recompense from Nutt, or any friend of his whatsoever, upon the faith I owe unto God and his majesty.'

His majesty could not resist the appeal. Captain Nutt was pardoned; Eliot was left to the lords of the council to be dealt with as they might determine; and in a letter addressed to Con-

<sup>a</sup> Endorsed by Conway, 'Sir H. Marten's opinion concerning Sir John Eliot's business, and touching Captain Nutt the pirate:' and having this marginal note by Marten: 'Sir John Eliot showed Nutt the pardon about the 4th, 5th, or 6th of June.'

<sup>b</sup> S.P.O. Endorsed 'for yourself;' and, by Conway, 'Mr. Secretary Calvert. Receipt of the copy of the award... Captain Nutt's pardon.'

way on the 10th of August, Sir Henry Marten makes a highly characteristic comment on this result of the affair.

'Right honourable, I have received now two letters from your honour, the latter dated the 8th of this, by which I understand his majesty's resolution to continue Sir John Eliot in prison grounded as upon the information of the lords. *I am glad I did forbear to deliver my own opinion of the state of his cause, lest perhaps it might have differed somewhat. Well, I pray God this turn not most to the disadvantage of my lord-admiral.* In your honour's former letter of the 7th of this month I received enclosed warrants from his majesty for a brace of bucks, for which I most humbly thank his majesty, and herein also as for your many other noble favours acknowledge myself for ever obliged to be your honour's faithful servant to be commanded, HENRY MARTEN.'

From which it is clear that the worthy judge of the admiralty was at least the better by two of his majesty's bucks at the close of this transaction; and it only further remains to exhibit what was felt and said by Sir John Eliot while his fortunes were thus under consideration, and with what degree of equanimity he has seen the vice-admiral of Devon weighed in the balance with that freebooter of the sea, whom secretary Calvert called the unlucky fellow Captain Nutt, but whom *he* called a plunderer and assassin.

#### V. *In the Marshalsea Prison.* ET. 31.

Conway was at Salisbury when the order for Eliot's arrest was issued, and on his return Eliot addressed him in language of temperate complaint. His letter is dated from the Marshalsea in Southwark on the 29th of July.

As his services in the reducement of Nutt, he wrote, had received large reward in his noble acceptance, and had been by him recommended to his majesty, he should hope now, with the same grace, to find some favour for himself. Mr. Secretary's directions in that business he had faithfully prosecuted; and in every point concluded so happily, that he had presumed it should have given him some satisfaction of his endeavours, whereof his honour already possessed a just account. But those endeavours had been otherwise interpreted. A suggestion had been made to the lords of the council, ~~and thereupon he had been sent for up, and by them committed to the Marshalsea pending further examination.~~ By order of the table, Sir Henry Marten was to report what he found; and he had accord-

ingly prepared his report to satisfy the lords (Marten had probably informed Eliot that such was his intention); but before it was despatched, the sittings of the council were dissolved, so that nothing could be done. By that delay he was like to be continued in the Marshalsea during the whole vacation, unless his honour, to whom he was now a suitor, pleased to favour him. He assured himself that Conway's own nobleness would incline to some respect in the case, as well for the business itself, wherein he had specially followed Mr. Secretary's command, as for the service of my lord-admiral, to whom he knew that Mr. Secretary was a friend, and whose affairs in the country stood very uncertainly by reason of the writer's having been hurried suddenly from thence.

Poor Eliot! he too is fain to use the argument for his own liberation which he knew then to carry greatest weight, and less to state his claim as of right, which had no chance in those days against an order or warrant of the council, than as matter of convenience to my lord. Happily it was this, and other like experiences, that nerved him to the later struggle for guarantees of personal liberty to all his countrymen, in which though he lost his life, he obtained his immortal remembrance.

His letter concluded with a request for Conway's help. 'Were I in anything faulty, I would not dishonour your worth with the title of my patron; but being only unfortunate, I hope to find you so noble as I shall not languish here.' But either the judge of admiralty himself, or the duke's personal secretary, had misled Eliot as to what Marten had actually sent on to the council; for without any misgiving he adds that the report had been wholly favourable to him; that his misfortune now consisted solely in the fact that the breaking-up of the sittings of the council had prevented its taking effect; and that if the manner in which his own answers before the admiralty-court had been set down should in any point seem to import not enough to satisfy his honour, he is confident that Sir Henry Marten would readily, upon the least command, certify all he had deposed.

Conway's reply undeceived the prisoner of the Marshalsea where he had been most confident. It informed him that other considerations were now in question besides Sir Henry Marten's report. It told him that his carriage throughout the affair had been distasteful to some of the lords, who had been able in consequence to prejudice the king. It also stated the interference of the other secretary, Sir George Calvert, and the offence given to him by the mode of Nu's

capture. This latter point had already, indeed, been urged against Eliot, when first brought before the council ; but he had replied to it, there, by assurance that he acted without the least knowledge that the pardon, of which he availed himself merely as an artifice, had been obtained at the intercession of a secretary of state ; and the idea now presented to him in Conway's letter, of his having in all likelihood sought to cross some claim of secretary Calvert's on Nutt by substituting one of his own, appears in some sort to take him by surprise. He at once repudiates it, and his letter has more of the character of a spirited and self-reliant protest than any other writing of his in the affair.

It was true, then, he wrote in this rejoinder (dated from the Marshalsea on the 4th August), that, as stated before the council, the pardon was at first procured by secretary Sir George Calvert, and he might therefore 'suppose himself therein crossed by me ; but my ignorance may be my apology.' Both to Mr. Secretary himself, and before the lords at the council-table, he had vouched his ignorance of who it was that had obtained the pardon. He had used it only as one out of date, and expressly as an artifice. He was so far from seeking by its means anything but Nutt's capture, that he imagined not of any other thought hid under it. That main end he had steadily followed ; and out of the mere shadow, which he considered the pardon to be, he had derived so good a substance, that he presumed rather to merit than to displease, and did hope to receive a fair construction in all men's judgments for the same.

'I am sorry my actions have been mistaken, and that my carriage, which I intended with all respect to the satisfaction and service of the state, should distaste, or give occasion to any of the lords to inform against me to his majesty. I desired no more honour than to be publicly heard and censured by the lords, had they sat ; and now, in respect of the time, I only seek a cure for the delay I am in, which will as well disease the business of my lord-admiral, as my private fortunes. If I have done anything unworthily, I will not wrong the justice of my sovereign, or your noble favour, to study an escape. Not but that I cast myself at his majesty's feet, and only desire your hand to raise me up. But, being conscious of mine own freeness in all that can be alleged, I dare not wave my justification. That were to charge it with the implicit confession of a guilt, wherein I humbly pray to be excused.'

In a tone and style not less spirited than this exordium, Eliot adverts to the charges which already he had met, before the council and in his subsequent examination.

'At the council-table two things were objected. One, a security I had taken from the pirate to my lord-admiral's use for five hundred pounds. The other, a receipt of certain goods from him before his coming in. Both

these I acknowledged; and, as I conceive, they are the proper duties of my place. For the goods, which were but of small value, I did not only take them, but would gladly have gotten all the rest he had by any treaty, whilst I was uncertain of his coming in, that they might be preserved for the owners. And this I did, not secretly to assume in private an interest to myself, but seizing them to the use of my lord-admiral and the proprietors; for whom they were safely kept, and have been since restored by order from the lords.'

A tone of indignant truthfulness pervaded this letter. The facts were stated simply, and with assertion of the only construction they could possibly bear, in the sight of men of honour. The sole point in issue was the exaction of the fine, but in the security it was expressly named that this was for the lord-admiral's use; and Eliot now reminded Conway of the intimation he had himself distinctly conveyed, that Nutt was believed to be rich. For the security therefore, he continues, 'my act I think as lawful; not tending to the prejudice of any man, but to draw that benefit to my lord-admiral from the pirate if he had laid-up any treasure in foreign parts; wherein I hope your honour will not think me an ill servant.'

The most remarkable part of the letter, however, had reference to the personal accusations brought by Nutt against him. Here Eliot throws off all reserve; and, with a full knowledge of the friends whom the man had obtained, and of the strength of the influence which yet might be brought against himself, he denounces this client and protégé of the king's chief secretary of state as a malicious assassin.

'I have been since, upon the reference, interrogated of other points which the pirate had suggested for abetting him in his villanies, wherein as I am free in mine own knowledge, the examinations and circumstances will I hope likewise acquit me to the world. Of myself I spake not with him, nor ever saw him before my going aboard him with the exemplification of his pardon, upon which he submitted and came in. I neither by letter, or message, changed a syllable with him to that purpose, nor had so foul a thought. This, as I have dilated in my answers, I am ready to aver upon oath; and cannot so much yet undervalue my integrity to doubt that the words of a malicious assassin now standing for his life shall have reputation equal to the credit of a gentleman. *In him* I wonder not to find that baseness, having in all things professed himself a villain, and stained his country with barbarisms unheard of. Seeing himself trained in by me, upon the colour of a pardon which was out of date and of no force, and sent up hither with a true relation of his deeds that he might be hanged, malice, without an instigator, were enough to put him upon this revenge.'<sup>1</sup>

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<sup>1</sup> S. P. O. Eliot to Conway. 4th August 1623. A small brilliant seal of red wax is still attached to this letter, of which the subject is a figure recumbent under a tree, with the legend 'TVTUS IN VMBRA.'

But if he had wanted other instigation, doubtless it was at his service. The secretary was probably startled at this plain-speaking. The unyielding spirit which was to make Eliot illustrious in the Tower, above all the men whose courage redeemed the servility of the time, shone through every line of this protest from his prison of the Marshalsea.

It shamed Conway into making a final effort. He obtained a sitting of the council, and told the vice-admiral to hold himself in readiness to appear before them: but again Calvert proved too strong for both. He forced such business before the table, that to call or hear Sir John was impossible;<sup>2</sup> and, that occasion being lost, and Nutt still permitted to stand as accuser as well as criminal, Calvert had the less difficulty in getting the king's signature to his pardon: though he remained in custody still, under the same reference of the council by which Eliot had been committed. In communicating to the latter the attempts he had made on his behalf, Conway appears now to have expressed himself with unusual strength and warmth in Eliot's favour, upon every point at issue in the transaction. He had probably a wholesome fear of 'my lord,' operating with such other leaning as he might personally have to the vice-admiral; but, out of whatever motive he had written, his letter was precisely of the kind to touch a generous heart. Eliot's resentments were at once flung down, and he desired that Mr. Secretary should feel only the grateful sense he had inspired. Two such strongly contrasted letters, so quickly following each other, are happily characteristic of a strong, warm, high-spirited, yet tender nature. With a quiet resignation Eliot now closed what he had to say.

'Against all crosses I have that comfort, to be therein both rightly known and understood. My sufferance will be little in restraint, my reputation being free. In that, though I cannot suddenly satisfy the whole world, having your honourable approbation I am safe. So much now I crave, for which I sue to kiss your honour's hand; and that I may have

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<sup>2</sup> Two orders of council, discovered in the S.P.O. after this was written, entirely confirm it. The second, bearing date the 27th of September, revokes its predecessor, and remits Eliot, upon complaint, to the custody of a messenger of the chamber.



leave to be entitled as I am vowed your honour's thrice-humble servant,  
J. ELIOT.<sup>3</sup>

From this it is clear that Eliot had resigned himself to a long imprisonment. The transaction had occupied all the intervening months since April, and the dates of the two prison-warrants are the opening of July and the end of September. The last is also the date of a petition from Nutt to the council which winds up the affair with much appropriateness. The pirate is still under charge of one of their messengers; but the same favour to which he owes his pardon, of which he speaks with becoming pride, had also obtained him a grant of a hundred pounds out of his ship and goods seized by the vice-admiral of Devon. Their lordships, that is, had granted the money, but the good man has to complain that the vice-admiral won't pay it.

'So it is, may it please your good lordships, that Sir John Eliot being required to perform your lordships' said order, answereth that he cannot unless he may have liberty to go into the country. It was told him that was no excuse, he might send to his deputy. He answered he would not. Then the messenger offered him that he would take up a 100*l.* here in London, if he would give security to pay it at Exeter. But he answered he would not; saying the lords might keep him here seven years, for aught he knew; and that your lordships' said order did nothing concern him. Neither would he deliver any goods unless it were taken from him by commission. So that your lordships' order is very much slighted, and nothing at all regarded.'<sup>4</sup>

That is the last glimpse we have of a connection which for the time, by so strange a chance, linked the fortunes of a man so famous to those of one so infamous; and it is satisfactory to observe that Sir John's spirit has risen, rather than flagged, with his prolonged imprisonment. Not inopportune indeed was such a trial of his powers of endurance in fitting him for much that afterwards awaited him. When, in exactly nine years from this time, he was dying in another prison, 'low in body, yet as high 'and lofty in mind as ever,' one of the news-letter men was writing to Lord Brooke that Captain Plumleigh had been sent to the Irish coast with one of the ships royal, and two whelps,

<sup>3</sup> S.P.O. Eliot to Conway. 18th August 1623. Endorsed 'Hartford Bridge, past 10 o'clock. Received at Basing Stoke at 1 afternoon.'

<sup>4</sup> S.P.O. Addressed 'to the Right Honourable the Lords and others of his Majesty's most honourable Privy Council.'

to seek out Nutt the pirate, but was met by him and twenty-seven Turks who gave him chase, and had the captain not hied him the faster into harbour, might have sunk or taken him.<sup>5</sup> With great propriety had the successful villain repaid during those nine years, by a series of such humiliations as this, the royal favour and state-protection which alone saved him from the gallows Eliot had built for him. He had become, at length, incomparably the greatest nuisance in his majesty's dominions. Nothing on the seas was safe from him, and he struck at the highest quarry. Immediately after that Plumleigh adventure, upon Lord Wentworth sending over to Ireland a shipful of luggage, furniture, wardrobe, and plate, for his due equipment as lord-deputy, Nutt made prize of the whole; and there is no reason to believe that he would less have enjoyed this capture, if he happened to remember that Wentworth was very intimate friend to his own old friend and patron, ex-secretary Sir George Calvert.

Buckingham returned from Spain at the beginning of October, and, though urgent appeal to him was made by Eliot in the following month, his vice-admiral was not released until the end of December. On the 23d of that month by 'motion made on behalf of the lord-admiral,' Eliot was free; and after not many days was elected to the parliament that met in February. His appeal to the duke was made the ground for a charge which will shortly be noticed; but that he should have had to appeal at all, and that Buckingham should not at once have ordered his liberation, can only be accounted for by the excitements of the time. For a brief space after the return from Madrid of the duke and the prince, without the infanta, everything else was whirled away and forgotten in the sense of deliverance from Spain. Nothing was audible but the shout of popular welcome for the prince and the favourite. 'They came to London on 'Monday 6th October,' writes Laud in his Diary, 'and the 'greatest expression of joy by all sorts of people that ever I 'saw.' Perhaps Eliot himself thought nothing for the moment of his wrongs.

<sup>5</sup> Pory to Lord Brooke. S. P. O. 25th October 1632.

To no man, even in that age, could the promise of hostility with Spain have come with more glad and eager welcome than to Eliot. It was his cardinal point of faith in public affairs that the Spanish power represented on this earth the evil principle in politics and in religion, and he had never forgiven the death of Raleigh. The brief interval since that event had been one of the turning-points of history. By the rise of Protestant Bohemia against her Roman-catholic emperor, and the acceptance of her crown by the son-in-law of the English king, such an opening had been offered to James as might have saved his dynasty. Out of the occasion lost at that time issued directly the thirty-years war. To have broken the power of the house of Austria in eastern Europe, and barred the progress of Roman-catholicism for ever, it only needed that the prince-palatine should then have been heartily supported; and never had the Stuarts any other such chance as of leading that army of the Protestant union. It was the tide in their affairs they missed for ever, and only shallows and shipwreck remained for them. While they were going one way, the people they would have governed were going the exact opposite way; and soon or late the breach could not but be irreparable. The parliament that James had called together in 1620 to help the Palatinate, he had dissolved because it refused to help him to an alliance with Spain; but though it sat little more than seven months, never before had the voice of England been made so audible to every one, so terrible to many. Its subsidies could not save the Palatinate. In that direction it was powerless but by entreaty and prayer. But nothing fairly within its reach had been allowed to evade its inquiry, and, during its brief existence, an intolerable weight of oppression and fraud had been lifted from the land. Trade had been released; justice purified; the privileges of the lower house of parliament asserted; and the right to make offenders against the public responsible by impeachment, rescued from the sleep of centuries. It mattered comparatively little that it should then have closed with the imprisonment of its leaders, and resumption of the project for the Spanish match it so strenuously had resisted. Not only had it been shown, by its labours and success, that the design of the court was irrecon-

cilable with the desire and determination of the people, but such impulse had been given to the puritan spirit in religion, till now wanting authorised expression, as rendered its ultimate triumph irresistible, and on the journals of the lower house had been entered a formal PROTESTATION that the liberties, franchises, privileges, and jurisdictions of parliament are the ancient and undoubted birthright and inheritance of the subjects of England.

## BOOK THIRD.

## KING JAMES'S LAST PARLIAMENT.

1623-1624. ÆT. 31-32.

- I. Spanish Match and Journey. II. Preparation for Parliament. III. Member for Newport. IV. Prorogation and Dissolution.

I. *Spanish Match und Journey.* ÆT. 31.

PARLIAMENT now being got rid of, and what his majesty called its 'fiery popular and turbulent' spirits punished, it was hoped that the Spanish match might go uninterruptedly forward. The madness of the court in persisting, against the leaders of the nation, with such a project as that of the intermarriage of the prince of Wales with the Spanish infanta, seems almost incredible. Though it had long been rumoured and talked about, no one out of the court believed it to be possible. But to the poor old king it had presented itself as a very masterpiece of kingcraft, that he should thus outwit France by so powerful an alliance, get back the Palatinate without a war, and so fill his treasury with the dollars and doubloons of the wealthiest empire on earth as to have no more need, for many a day, of a parliament at Westminster.

And everything at last seemed to promise success. That the Spanish court were not in earnest at the outset, must be inferred from the fact that Gondomar was secretly instructed against the marriage; but there was a point in the negotiation when they had gone too far to recede, if faith had been kept with them. It was easy to outwit the eager old king, but even the Spaniard found his match in the very capable Englishman who was then

ambassador in Madrid. Both Olivarez and Gondomar tried every possible artifice, indeed, to secure larger indulgence for popery in England, to evade any direct pledge for restoration of the Palatinate, and to obtain even such an engagement for modified acknowledgment of the papal authority as might favour the hope of the prince's entire conversion : but all these matters had been handled and made the subject of reciprocal concession and compromise, nor was there any cause to doubt that the English ambassador, Digby, lately of special favour made Earl of Bristol, had brought the affair to a direct and intelligible issue, when the jealousy of Buckingham struck in.

Bristol afterwards asserted that the prince's secret journey to Madrid had been devised between Buckingham and Gondomar, but Buckingham declared the project to have been his own ; and in its coxcombrity it was worthy of him. In reality, however, the notion seems to have been Gondomar's, who believed that, with possession of the prince's person, Spain might more easily get possession of his religion ; and Buckingham had a deeper motive than either vanity or caprice for his headlong eagerness in embracing the scheme. There can be no doubt that Bristol's success in an affair so dear to the king had been wormwood to the favourite, and that his present hope was, even in the very instant of the victory understood to have been achieved by another, to bear off the prize for himself.

The king resisted the proposal for some time, and if Clarendon's elaborate account, given from a principal actor in the affair, Sir Francis Cottington, be correct, it is the most striking proof on record of the sway of Buckingham over both father and son. After much bitter crying, baby Charles is at last given over to dog Steenie, who then dries the eyes of his dear dad and gossip, and soon makes him again merry with the thought of how the dear dad himself, and his father, and his grandfather, had all gone gallantly over seas from Scotland to fetch home their wives. Whereupon baby and dog become sweeter boys than ever, and indeed nothing less than dear venturous knights, worthy to be put in a new romanso. And even so, Charles and Buckingham, travelling as Mr. John and Mr. Thomas Smith, each with a bushy black wig, and attended only by Francis Cot-

tington and Endymion Porter, set off upon their ill-omened journey, masked and disguised from the English people. Bristol had received no communication from either, when, at the dusk of a February evening, the Messrs. Smith were announced to him as visitors at his house in Madrid.

Everything at first went swimmingly. The magnificence of the welcome exceeded belief. Processions, banquets, tiltings, ceremonials, made gorgeous the nights and the days. The dad and gossip at home was out of his wits with joy. He superseded Bristol's embassy by making Buckingham ambassador-extraordinary, and sent him over a patent of dukedom to put him on a level with the highest in Spain. Money and jewels for the travellers to keep royal state were collected by desperate devices; and orders were issued for a fleet to be in readiness to fetch the bride. The first letters from the prince and duke had indeed thrown a little change of vexation over the old king's delight. He was asked by his dear boys, point blank, how far he would acknowledge the pope's supremacy; to which he had to make answer by fussily quoting his own book against Bellarmine, by repeating his offer therein to call the pope chief bishop if he would but lay down the power of deposing and excommunicating, and by telling his baby and his dog that he was not going to shift his religion as easily as a monsieur after coming from tennis might shift his shirt. But he made up for this prudery by giving two preposterous pledges; first, to keep secret from the council all that was writ to him from Spain; and next, to perform whatever the prince there promised in his name! Under his direction, at the same time, pardons for recusancy were issued by Williams under the great seal to all papists and jesuits that should apply for them within five years; and the judges on the circuits were instructed by the lord-keeper to discharge from prison every popish defaulter willing to give security for subsequent appearance. Promises of a yet larger kind for favour to Roman-catholics were also privately given; and meanwhile, practically, the penal laws were suspended, and the popish worship permitted in private houses.

The council afterwards endeavoured to evade responsibility for these acts, but in effect there is no doubt their sanction had

been obtained to them. Probably they were not told of the suggested recognition of the pope, or made acquainted with the belief entertained by Buckingham (the measure of his further belief in his own unbounded power) that he could force such a measure on the English people; but it was no secret from them, or indeed from anyone, that the prince's appearance in Madrid had let loose such hopes among the Roman-catholics, at home and abroad, as had not found expression since the great queen's accession, and that to a letter from the reigning pope (Gregory XV) to the prince, regretting the altered state of Britain, eager to discover no indisposition to the Roman see in his pursuit of a Roman-catholic princess, calling him the flower of the Christian world, expressing hopes for his conversion and that he would prove 'enfranchiser' of his country, the prince had replied, not only with assurance to his holiness that he had no design against the Roman see, and that his wish was to see a reunion of the churches and to banish strife from the Christian world, but with a distinct and grave promise that he would himself abstain from every act of hostility to the Roman-catholic faith. 'This by your 'favour is more than a compliment,' said Clarendon to Nicholas when he read the letter. So had thought Sir Thomas Wentworth of Yorkshire; but meanwhile his kinsman and friend Sir Edward Conway, the newly-appointed secretary of state, had been sending him brilliant accounts of the proceedings in Madrid. The reception, like the visit, had been unexampled. There was no doubt now in the affair. The prince's household jewels, apparel, and robes for St. George's day, were gone. The duke had sent for his horses, tilting armour, and caparisons. The dispensation was on its way. The fleet was getting ready. Ten ships would set out by the end of April, and by the end of May would be back with their precious charge. Don't believe anything you hear to the contrary, wrote the confident secretary of state. None now but the desperately envious, or vile almanac-makers arguing from conjunction of planets, talk of any delay!<sup>1</sup>

Among the desperately envious and the vile, then, were to

<sup>1</sup> S.P.O. Conway to Wentworth, 4th April 1623.



be reckoned the English people ; for the bulk of the nation absolutely refused to believe that this unholy compact would be completed. Now was the prophecy of the dying Raleigh to be fulfilled. The court were not to have it all their own way. The seeds sown by the murder of that great Englishman, and by the eloquent utterances of the parliament so rudely dissolved, were daily springing up in terrible discontents. It was to no purpose that all the bells of London had been set ringing on receipt of the first letters from Spain ; it was in vain that the constables in charge of the various wards had been ordered to see bonfires lighted in every part of the city. No gladness appeared in the streets, and the bonfires burnt out without company. 'It may be,' wrote the polite Mede to Sir Martin Stuteville, 'that they run not about a bonfire in the city as they do in the country.' He was soon to be enlightened on that point. The popular celebration for the present preferred was of a different kind. Hardly a day passed that the Spaniards belonging to the embassy were not besieged in their houses, or stoned in their coaches as they passed along. No lack of 'company' in St. Martin's-lane, when any of those gentlemen appeared ; and in the tumults that ensued several lives were sacrificed.

Expression more dangerous had been meanwhile found for the emotion that stirred the people. While Eliot fretted in the prison to which the council had consigned him, there came suddenly into circulation, and immediately afterwards into print, a letter to the king bearing the signature of archbishop Abbot. It was believed to be genuine, and the excitement it created was extraordinary. The writer had at least faithfully caught, and in very startling form expressed, the well-known sentiments of the chief of the English church.

'By your act you labour to set up the most damnable and heretical teaching of the church of Rome. You show yourself a patron of those doctrines which your pen hath told the world, and your conscience tells yourself, are superstitious, idolatrous, and detestable. Hereunto I add what you have done in sending your son into Spain without consent of your council, or the privy or approbation of your people. Believe it, sir, however his return may be safe, yet the drawers of him into this action, so dangerous to himself, so desperate to the kingdom, will not pass away unquestioned, unpunished. Besides, this toleration which you endeavour to set up by your proclamation, cannot be done without a parliament ;

unless your majesty will let your subjects see that you will take unto yourself ability to throw down the laws of your land at your pleasure.<sup>2</sup>

The court were in consternation at this letter, and the most extraordinary exertions were made to discover the writer. The archbishop was called upon to disavow 'the counterfeit paper 'passing under his name,' but though he disclaimed the authorship he declined to carry his disavowal further. The 'paper' must be suppressed, wrote secretary Calvert (himself now secretly a papist) to secretary Conway;<sup>3</sup> confessing at the same time that further search after the author was idle, as an expensive, endless, fruitless task. The king had cause indeed to insist on its suppression, for discontent was rising to a frightful pitch, and his majesty's person was even threatened.

But then became noised about reports and rumours of a strange complexion. The fleet had been some time ready for departure, but still was delayed. An adverse wind was said to be the cause, but the people called it a Protestant wind. Seven noblemen, all privy councillors, had some time since taken their departure for Southampton to superintend a pageant for reception of the infanta, carrying with them Inigo Jones and old Alleyne the player, who could surely, writes Chamberlain to Carleton, have done as well without so many privy councillors.<sup>4</sup> But the pageant hung fire; and on Sir Francis Cottington arriving suddenly at Dover, the truth was no longer to be concealed. There was a serious hitch at Madrid. The scheme of Gondomar had so far taken effect that the prince's presence en-

<sup>2</sup> Dr. Lingard treats the letter as unquestionably authentic, and quotes it with much candour (*History of England*, vii. 123) to prove the bitterness of the archbishop's zeal as a divine and the soundness of his principles as a statesman. Carte in his *History of England* (iv. 108) doubted its authenticity, notwithstanding its grave quotation by Rushworth, Prynne, the Cabala, and other authorities. It will be seen by my text that proof of its spuriousness exists in the state-paper office. I can never refer to Carte's book, greatly as I differ from the opinions of its writer, without a tribute to his wonderful industry and patience, and, in so far as consists with his avowed prejudices, his honesty. Hume owed to that book whatever credit his *History* received for research and much of the praise it deserved for lucidity of arrangement. The philosophic remark, and incomparable beauty of style, were of course all Hume's own.

<sup>3</sup> S. P. O. 14th August 1623.

<sup>4</sup> Ib. 14th June 1623.

abled the subtle Olivarez to undermine the Bristol negotiations and re-open the affair on new grounds. Bristol remonstrated warmly, but was met by Buckingham's scorn. Drunk with vanity and unbridled will, the favourite thought a higher prize was in his reach, and opening his hand to seize it dropped all that had been gained. What it was easy to overthrow, he found it next to impossible to rebuild. Baffled in his attempt to get better terms, he lost his temper and his courtesy. His noisy arrogance, his presumption, his airs of more than regal pretension, only showed in humiliating contrast the calm superiority of the Spaniard. All the hopes with which he entered Madrid were broken down; and the futility of the entire scheme had declared itself, even before the tidings, soon borne to him by every despatch from Whitehall, of the state of public feeling in London and of the dangers it threatened to himself, first had reached him. He no longer refused to acknowledge what the popular desire in England was, and he decided upon a rupture with Spain. He was not long in effecting it; and immediately afterwards, amid the piteous wailings of the king, amid confusion worse confounded of the courtiers unable any longer to feel or find their way, amid the people's rising shouts of gladness 'as of thunder heard remote,' he hurried the prince home.

Now might Mr. Mede have had personal experience of what a London bonfire was. The travellers landed at Portsmouth on the 5th, arriving in London on the 6th, of October; and from that day onward, for many weeks, every part of the land was in a rapture of rejoicing. The city and its suburbs blazed with bonfires, and upon one at Blackheath Mr. Chamberlain saw deposited fourteen loads of wood. Every leading thoroughfare had its flaming pile; and so mad were the populace with excess of joy, that out of every timber-cart that rolled along the streets the horses were taken, and timber, cart and all, were flung into the flames. They were well allayed by London liquor, writes Conway to Carleton,<sup>5</sup> or the whole city might have been consumed. Hogsheads of wine and butts of sack were seen flowing in every direction; and this noise of riot and feasting alternated with

<sup>5</sup> S. P. O. October 1623.

sights and sounds of graver import. Thanksgivings rose in all the churches, as of deliverance from a great calamity; and the anthem which tells of Israel coming out of Egypt and the house of Jacob from a people of strange language, was taken up and sung with astonishing fervour. Buckingham was the hero of the hour, and became the object of hyperbolical praises. Old Coke went so far as to call him the saviour of his country.

It seems doubtful whether the poor old king ever smiled again; but it belongs to history to tell of his mortification and misery after this downfall of the one cherished scheme of his life. I have explained the strange position of affairs at Buckingham's return to England, and now resume my narrative.

## II. *Preparation for Parliament.* ÆT. 31.

Re-entering the path of Eliot's fortunes, our consideration is claimed for a letter addressed by him to Buckingham from his prison in the Marshalsea, on which the imputation has been founded 'that in 1623 we find Sir John a suppliant to, and at least a complimentary admirer of, the minister; and only two years after, in 1625, Eliot made his first personal attack on that minister, his late patron and friend, whom he then selected as a victim of state.'

To the first part of this charge, advanced in ignorance of the close relations which continued some time beyond this date between the vice-admiral and the head of the admiralty, the obvious answer has already been supplied in the account of Eliot's vice-admiralty disputes. The letter is written by the vice-admiral of Devon to the high-admiral of England; and is neither less nor more than a simple demand of reparation for injuries undergone in support of the office and rights of Buckingham. Its tone is expostulatory; and, courteous as its terms are, it is even deficient in the elaborately complimentary phrases that were considered due, in those days, to the ceremonious observances of letter-writing. Not only does it in this respect fall short of the notorious custom of the age, but the bareness of its language, considering the time at which it was written, is even surprising. Hardly a month had passed since Buckingham's

return from Spain; yet Eliot offers him nothing of the adulation which Coke and Philips did actually lay at his feet. His letter was written in the eighth month of 1623 (old style), two months before the assembling of parliament; and there his voice was heard, in the tone he never afterwards abandoned. Though none of his speeches at this period have been preserved in the histories, I have been so fortunate as to discover among the papers at Port Eliot, ample notes, in his own hand, of speeches delivered by him in this very parliament: and from these, from other manuscript records, and from the journals of the house of commons, it will be easy to show that no 'political revolution' ever occurred in his life; that he was consistent from the first; and that while his eloquence was often exerted in this last assembly of James's reign, he never spoke but in support of the principles, and of the rights and the privileges, for which he afterwards suffered death.

'Right honourable, With what affection I have served your grace, I desire rather it should be read in my actions than my words, which made me sparing in my last relation to touch those difficulties wherewith my letters have been checked, that they might the more fully speak themselves. I shall not seek to gloss them now, but, as they have been, leave them to your grace's acceptance, which I presume so noble, that scandal or detraction cannot decline it. It were an injury of your worth, which I dare not attempt, to insinuate the opinion of any merit by false colours or pretences, or with hard circumstances to endear my labours; and might beget suspicion, sooner than assurance in your credit, which I may not hazard. My innocence, I hope, needs not these; nor would I shadow the least error under your protection. But when my services have been faithful, and not altogether vain, directed truly to the honour and benefit of YOUR PLACE, only suffering upon the disadvantage of your absence, I must importune your grace to support my weakness, that it may cause no prejudice of your rights and liberties, which I have studied to preserve though with the loss of mine own. My insistance therein hath exposed me to a long imprisonment and great charge, which still increaseth, and threatens the ruin of my poor fortunes, if they be not speedily prevented. For which, as my endeavours have been wholly yours, I most humbly crave your grace's favour both to myself and them; in which I am devoted. Your grace's thrice-humble servant, JOHN ELIOT. November 8, 1623.'<sup>1</sup>

It does not appear to me that the spirit and tone of this communication admit of any kind of doubt. Nowhere visible in it is humility or suppliance, but rather, as addressed to the

<sup>1</sup> Printed at the close of the *Cabala* (ed. 1663, pp. 412-13).

favourite at that supreme hour of his popularity and triumph, a lofty reticence, and a high-spirited, almost haughty reserve.

Imprisoned and persecuted for having discharged with faithfulness and defended with spirit the duties of an office in whose proper maintenance the lord-admiral has a deeper interest than himself, the vice-admiral begins by speaking of more than one relation which already he had made upon his case, and to which there seems to have been no reply. He has yet no wish that anything save his own actions and labours should speak for him; and he 'presumes' the duke too noble to require false pretences for support of innocence, or to deem the least error as having claim to protection. No such petition does Eliot prefer to Buckingham. His services as vice-admiral of Devon had been faithful, had not been vain, had been uniformly directed to the honour and advantage of the more important office involved in his, and had suffered by the lord-admiral's absence in Spain. Therefore was he entitled to 'importune' the duke so to support his weakness, that it might not further prejudice those higher claims for which he had sacrificed his own. His maintenance of the claims of the admiralty had exposed him to a long imprisonment and great charge, which still increased, and, if not speedily prevented, threatened the ruin of his fortunes. And so, craving his grace's favour for endeavours that had been wholly his, he is his grace's thrice-humble servant. Surely a very manly and independent letter; such as vividly contrasts, in its tone and terms, with the not seldom blasphemous adulation it had then become the custom of highest dignitaries, bishops, privy-councillors, and secretaries of state, to address to the all-powerful Buckingham.

That the duke could reply in any other way than by directing Eliot's release was next to impossible; and the delay of nearly seven weeks before this reply was made is the only matter for surprise. It may be accounted for by influences formerly described, though these had not yet availed to close Eliot's intercourse with his chief. It is also certain that one part of his appeal remained unfulfilled, and that parliament itself, and not the duke, had to give order for the stay of such suits as were in progress against Eliot, threatening him with ruin. It may fur-

ther have been due solely to the fact of a parliament approaching, that Eliot thus obtained even his personal freedom ; since the order was certainly not made until the providers of court-news had returned his name among the lists of candidates for the new house of commons.

With sore difficulty had the poor king, thoroughly humbled as he now was, been brought to consent to the calling of a parliament. The very influence over the popular leaders on which the favourite at present counted, had only more disposed the king to shrink from the proposal. He knew the irreconcilable hatred borne by them to Spain ; and of his dog Steenie he now also knew that there was no extreme even of popular subservience to which he would not lend himself to carry the object he desired. Bristol had braved his power in the very interest still dearest to James ; had come over from Madrid to support the Spaniard ; had crossed from Calais in an open boat, on an English ship being denied to him ; and, at landing, had been put under restraint by the order of Buckingham. The council specially summoned to determine whether Spain had given cause for war had answered in the negative by five to three ;<sup>2</sup> chancellor Weston, whose wife (if not himself) was a Roman-catholic, and secretary Calvert, a confessed convert to popery, having been reinforced by the lord-keeper and the lord-treasurer, under the belief that, after all, the king's was the safer side to vote with ; and Williams and Middlesex were now marked for ruin. In Buckingham's hands also, thus far, the prince had been wholly submissive. All these were reasons with the king for dread of a parliament ; and especially hateful to him was the necessity of submitting to the deliberation of that assembly, as he knew to be the favourite's intention, details of negotiations that were of the very essence of the mystery of government and kingcraft, and to be kept shut among the arcana imperii. But, disappointed of the infanta's dowry, he had no money, and no other means of getting it. The writs went out, and the elections began.

Williams had by this time seen his mistake, and in the inter-

<sup>2</sup> S. P. O. 31 January 1623-4. Carlisle and Conway voted with Buckingham.

val before parliament met he did his best to repair it, by patching-up a hollow and temporary truce with the man who had lifted him to favour, and who now frankly told him that though he would not seek his ruin, he should cease to study his fortune. He busied himself in personal communications between Buckingham and several of the popular leaders ; and swallowing his repugnance to the little obstinate bishop of St. David's, he for once in his life consented to act with Laud, whom he detested, in smoothing the way to a parliamentary triumph for Buckingham, whom he still more abhorred. The king had made it a condition that at least Coke, Philips, Crewe, Sandys, Pym, and Dudley Digges should be excluded from the house ; and though each had been returned for more than one place, a commission had been prepared for sending them all compulsorily to Ireland. But at last the difficulty was removed, and there can be no doubt that these popular members took their seats by special interference of Buckingham.

As in the preceding parliament, Coke sat the chief and centre of an illustrious group of lawyers, among whom were Noye, Selden (now first a member), Hakewell, Heneage Finch, Edward Alford, and Glanville. Recorder Wentworth again sat for Oxford, and Crewe for Aylesbury. Pym, returned to the last parliament for Calne, has been returned to this for Tavistock, and, undaunted by imprisonment undergone and more recent danger narrowly escaped, is now, as to the last hour of his life he continued, deep in the counsels of all who hold themselves most aloof from the court, in the first rank of speakers, and with powers of application to business the most vast and unwearied. Other friends much cherished by Eliot are Sir Oliver Luke, Mr. Hampden of Great Hampden, Sir Robert Philips of Montacute, Walter Long, William Coryton, Bevil Grenville, Richard Knightley, and Sir Edward Giles. With another more formidable group, the northern men as they were called, he had no personal sympathy, though he frequently acted with them. Prominent among these was Sir Thomas Wentworth, near whom sat Christopher Wandesforde and Sir Arthur Ingram ; Mr. Lowther and Sir John Radcliffe ; Sir Henry Slingsby and that rising Yorkshire lawyer Mr. Hutton, son of the Sir Richard who pronounced against



ship-money; Sir Thomas and Sir Ferdinando Fairfax; Sir Thomas Bellasis and Sir John Stanhope; Sir Robert Jackson and Sir Henry Anderson; and the two Saviles, father and son, who, amid the excitements against Spain, in which Wentworth did not share, had for this time wrested the representation of Yorkshire from their great antagonist. These men for the most part, even the Saviles in all county questions, acted together; and constituted a section formidable by their talents and influence, whether marshalled together against the court for public motives, or banded together against the opposition for purposes of their own.

No evidence appears, but rather perhaps indications to the contrary, that Buckingham had in any way promoted or desired the return of his old acquaintance Eliot. It is probable that if he had, he might not have succeeded; for it is curious that Cottington, though put forward with all the influence of the favourite and the prince, whose secretary he was, only obtained a seat for Camelford after two defeats elsewhere. Not a marked man like those for whom Buckingham's interference became necessary, Eliot was not forced upon the king for his independence of the crown; but neither was he forced upon the house for his dependence on the favourite. Wood and others have asserted that he was one of the prominent speakers in the 1620 parliament; but much as this belief might receive favour from the place he took in the present assembly, it is certainly a mistake. All his previous parliamentary experience consisted in the silent part he took during his youth in the four months' parliament of 1614. But men like Eliot are never unprepared; and success that is born of the aptitude for great duties, which less men have to strive and contend for, waits of right upon them. In that early parliament he sat for St. Germans; to this he was returned, in conjunction with Mr. Richard Estcourt, as member for Newport, another borough in his own county of Cornwall.

And now, from the first moment of his active public life, began. tism began. They who have said otherwise have had

Willi what he held an office of which he had been deprived,

2 S. P. ON either mortification at having lost it or the hope  
ingham. his public life took its first tone. There is not a

particle of truth in this. He was still in the habit of close intercourse with Buckingham; by his interposition he had just been released from prison; he was still, and for some years continued to be, vice-admiral of Devon; and the office for whose retention he has been supposed capable of such unworthy sacrifices, he must have known was put in peril by the course he took. But it had not been difficult, in the silence of all the historians as to his conduct throughout this parliament, to put forth with some plausibility the assertion of his having been, at the time, a mere subserver to the Duke of Buckingham. I was formerly therefore at some pains to trace his exact course, and have since been so fortunate as to find, among the papers at Port Eliot, several manuscript notes of his speeches heretofore wholly unreported, which bear out the view I then took. That his first step was to separate himself from even those popular leaders who would have waived, as matter of temporary policy, any present revival of the question of privilege which had broken up the last parliament; and that, while upholding the policy of resistance to Spain, and eulogising the king and the prince, he abstained from introducing Buckingham's name; I had seen reason to infer in the absence of these additional proofs. But in their presence it is no longer possible to assume that Eliot might have been silent about Buckingham only because his mind was rankling on those other injuries referred to in his November letter,<sup>3</sup> which his mere release from the Marshalsea could not atone. The explanations of that letter now first produced amply refute this; and an easy solution of other similar difficulties will be adduced from like trustworthy sources. Suffice it then to repeat, that the complaint made in November was from the vice-admiral to the chief of the naval administration; and that such

<sup>3</sup> 'Mr. Forster, in his *Life of Sir John Eliot*, written with considerable care, has noticed the silence of Eliot respecting the Duke of Buckingham in the parliament of February 1623, when the lauded name of the duke was frequently on the lips of other popular members, as evidence that Eliot was not a subserver to the duke;—I regard it as evidence that the mind of Eliot was then rankling on the supposed injury which he complains of in the November before.' *D'Israeli's Commentaries on the Life of Charles the First*, 2d edition.

official communications, besides other indications of private intimacy, continued for some time longer to pass between Sir John Eliot and the Duke of Buckingham.

Be it only further remembered, in entering on Eliot's public life, that, though Puritanism was yet merely feeling its way in England, the events of the last few years had determined the now inseparable connection of politics with religion. Not simply was the Romish cause the oppressor's cause, and the Protestant's that of the oppressed, but it had become plain to the English constitutional party that no possible chance existed for good government except in root-and-branch opposition to a faith which placed obedience to debasing superstitions above the necessity of obedience to the law. Pym had broadly declared in the last parliament, and had been eagerly seconded, that the aim of the laws in the penalties and restraint of papists was not to punish them for believing and thinking, but that they might be disabled to do that which they think and believe they ought to do. These were pregnant words, and were to find echo all over England. It is also to be kept in mind that every popish success abroad had a tendency to weaken the protestant cause at home; while the unequal conflict of the patriots of Bohemia with the extensive Roman-catholic confederacy leagued against them, seemed, to thoughtful as well as pious men, not vaguely to shadow forth a like possible fate for the popular party in England. So at least thought the leaders of this and the last parliament: the two 'greatest and the knowingest auditories,' as a political adversary called them, 'that this kingdom, or perhaps the world, had afforded.'<sup>4</sup>

### III. *Member for Newport.* ÆT. 32.

Parliament met on the 12th of February 1623-4, but was adjourned to the 19th, when the king, in a tone very different from his speeches of former years, addressed them. His old alacrity and cheer of spirit were gone; and indeed the court gossips had reported, but a week or two before, that his majesty

<sup>4</sup> Bishop Hacket in his *Life of Williams*, p. 179.

had fallen into such a habit of perpetual drowsiness that he was only kept awake by playing cards.<sup>1</sup> There was nothing in his speech about his darling mysteries of state and government. He had called lords and commons together in the hope of removing previous misunderstandings, and he meant in future to cherish his people as a good husband his wife. He had long been engaged in treaties by which he hoped to settle the peace of Christendom; but on account of the repeated delays, had allowed his son to go himself to Spain and had found thereby how fallacious were treaties. Everything now depended on their good advice, and upon one point especially he must request them to judge him charitably. (The poor king must have found it hard to give forth this part of his lesson, which was a downright falsehood; but his task-master stood by, and there was no help for it.) He had never intended more than a temporary alleviation of the penal statutes against the Roman-catholics, and he hoped therefore they would not be jealous of him, or needlessly exacting in points of privilege. Williams followed as lord-keeper, excusing himself, as a 'croaking chancellor,' for speaking briefly after the king, on the ground that those who heard the nightingale would hardly care to hear an imitation. Then, the commons having chosen for their speaker Sir Thomas Crewe, the same who so grandly had upheld their privileges in the previous assembly, adjournment was moved to the 23d; when that day, and the two following, were occupied by a narrative of the whole Spanish business made to the lords by Buckingham with the prince standing by, shaped so as to hit exactly the tastes of the lower house, and only noticeable now, when viewed with the comment of the prince's entire acquiescence therein, for the proofs subsequently given of its deliberate falsification of all that had occurred in Spain. It was an ill promise for the second Stuart reign that so plausible a demeanour could mask such perfidy. 'The prince,' says Rushworth, 'not only gave the testimony of

<sup>1</sup> S. P. O. 31st January 1623-4. The 'perpetual drowsiness' was the forerunner of what was soon to follow. So is it, as Shakespeare finely says (*Timon of Athens*), that

'... Nature, as it grows again toward earth,  
Is fashion'd for the journey, dull and heavy.'

'his silence to these untruths, but on its being reported to the house, approved thereof there also.'

On the 27th, business began in the commons; and one of the first entries in the journals is a motion on behalf of Eliot, by his countryman and friend Sir Edward Giles, to make stay of a trial instituted against Sir John. Order was made accordingly that a warrant should go out, and this was repeated three days later with extension of the warrant to a similar trial against 'Sir John Eliot's man.' The trials were the prosecutions instituted against Eliot and his 'messenger' Richard Elmhirst, of which former mention has been made.

This order had scarcely issued when Eliot himself addressed the house. It was the first speech of the session; and, as if to show his freedom from any compact that others might have made, he took his place on forbidden ground. It appears to have been an understanding that the differences which broke the last parliament, and in especial the famous Protest for their privileges torn from their journals by the king's own hand, should not for the present be revived; but Eliot proceeded to argue that as little of advantage as of honour could proceed from waiver of that on which not their usefulness only, but their existence, depended. He must therefore raise his voice for those favours their ancestors had enjoyed; and it is memorable that he should thus have spoken his first speech in defence of those parliamentary immunities for which afterwards he died..

He began by reminding his hearers of the ancient opinions held of representative assemblies, and how happy their effects had been to the kingdom; how like a sanctuary they had been to the subjects, how like a magazine to the princes. There, for the most part, had the princes granted such laws and reformatations as were covenable for the necessities and welfare of the subject; and there had the subject, making often larger return than was expected, reciprocated the affections of his princes. Whence, then, had come the recent failures of such conventions? Had the character of those assemblies changed? Or had the times changed the reason of them, and brought it to new forms? The question probably startled some of his hearers; but with increased boldness he went on to declare his belief that if they had been careful to protect their proceedings by greater secrecy, to trust the king more, and to confide less in

those about him, many rocks would have been avoided on which unhappily they struck. Some things they would find in the king, but some things also in themselves, that occasioned these breaches. The road they walked was a troubled one, whether diffidence in the king, jealousy among themselves, or want of secrecy in their business led them into it. He then detailed his own experience (already quoted) of the elder of the last two unfortunate assemblies; and afterwards, with as much wisdom of purpose as moderation of tone, dwelt upon the closing agitations of the great parliament of 1620 by way of warning and teaching for their present guidance. It would not do, he said, to evade them; nor, after such bold speaking of their predecessors, did it become themselves to be silent.

‘It were presumption in me, that have nothing but on credit from that last assembly, to make so near a search or censure only of the effect; but you will pardon me to complain, who lost some hopes in that public adventure! I fear, Mr. Speaker, the rocks on which you then struck were not natural, but cast in the way by some subtle art to prevent the passage of your duties to the king. This I am most confident of, that never king with more gracious resolutions for the comfort and benefit of his subjects called a parliament, nor subjects with more sincere affections came devoted to their prince. But in this doubtless there was some misprision, and between his majesty and the house stood some false glasses, that reflected not the true sense of the object, but with colours and illusions wrought deceit.

‘The greatest doubts (as I conceive) the king had of the parliament, concerned his prerogative: his majesty being persuaded that their liberties did intrench upon him. The fears the parliament had of the king were, that by his prerogative he sought to retrench and block-up the ancient privileges and liberties of the house. This made the instance strong on both sides; the king maintaining his royal power, the house contending for their privileges; whereas, being well distinguished, both might have enjoyed their own without impeachment of the other’s right. For the king’s prerogative, no man may dispute against it; it being an inseparable adjunct to regality. It has its example in the first and greatest monarch, the King of kings; who reserves to himself, besides his laws, a power to save; which Seneca calls *proprium regis*, and we his prerogative. For the privileges of parliament, they have been such and so esteemed, as neither to detract from the honour of the king, nor to lessen his authority. They conduce to the liberty of this place, that we may here freely treat and discourse for the public good of the kingdom; and I take them to be a main base and prop whereby such good doth subsist.’

In very dignified phrase, without compromise but without offence, he nevertheless vindicated what the last parliament had done, and gave in his adhesion to the memorable protestation of the commons.

'For, as parliaments have been ever held to be the chief support and pillar of the kingdom, so is this privilege of parliaments essential to their existence: by which opinions are plainly delivered, difficulties beaten out, and truth resolved upon. Were it otherwise, men fearing to displease would blanch those propositions that might have question, and silence their understandings in matters of most import. And in this, the protestation of the commons last made gives me great satisfaction, as proceeding from excellent deliberation and advice. Its reasons were well weighed. Such had been the habit and long use of this place. Still had its way been held with jealous regard to the honour and dignity of our head, the king; and more for his sake than ours it behoved that such liberty be allowed. The business is the king's; the kingdom hath its representative in the king; and in him our resolutions rest. We are only called hither upon either the general affairs of the kingdom or the special propositions of his majesty, and therein but to deliberate and consult, not to conclude. Without our privileges we should fail to perform that duty. And can it be thought that in claiming them, in order that we may facilitate his majesty's resolutions and ease him in the consideration, leaving the end still to himself, in this can it be thought there is any diminution or derogation to regality?'

This latter point he handled with earnestness, supporting it by reason, precedent, and considerations of personal advantage to the king himself; all expressed with an unmisgiving unaffected sincerity, never now to be read without pity and wonder at that madness of misgovernment which drove into ultimate resistance to their princes men so simply and so profoundly loyal.

'It was held an incomparable wisdom in Henry the Third, when, after many agitations and turns of state, wherein he had involved himself by other ways, he at last applied himself to the parliament and made that his counsellor. Therein he lost neither authority nor reputation; for both his estate and dignity were before engaged to such low conditions as I fear to speak of. By this, however, he not only recovered that again, but gained so much upon the affections of his people and in the opinion of others, as there was nothing wanting to him, either with strangers or at home, of what he could desire. In the hearts of his subjects he had so much as they voluntarily offered, or more than he did need. In the account of others he was after held so singular as his government was a pattern. What he referred to the parliament was not lost to himself; but all the wisdom and judgment expressed there became merely his. *Our whole story seems but a continual instance of this.* Our acts of parliament have ever expressed the wisdom and excellencies of our kings; for, whosesoever be the labour, the honour still reflects on *them*, and the reputation only bears their names. And the advantages otherwise which the kings of this land have received by parliaments are such as they should not be forgotten. Besides the infinite subventions and contributions granted here, the fines and mulcts imposed upon great officers and delinquents (I am sorry I should bring these two so near together), their fines, I say, that have been questioned in this place, have often enlarged the treasures

of our sovereigns. It was a practice much used in former times, when officers and great men were swollen with corruption, to have them purged in parliament; that the hate and envy might be taken from the prince, and yet he receive the benefit of their punishment; and the subjects have been so much affected to see these sponges of the commonwealth squeezed into the king's coffers, that, as it were in congratulation, they have offered for themselves when nothing hath been wanting. And this methinks should endear the credit of our parliaments, that they intrench not upon, but extend, the power and honour of the king. The parliament is but the representative body of the kingdom by contraction drawn into the centre; like the sun taken through a glass to inforce the strength and heat of his reflection; and to this form and station it is not of itself that it is thus moved and occasioned. *Corpus jacet iners et cessaturum, si nemo moveat*, say the philosophers; the body is dull and unapt where it hath not a spirit to move it. Should not this spirit be in the heart, the king that hath called us hither? Are not his graces the beams which through this perspective, the parliament, are to be derived to the life and benefit of the subjects? How then can it be imagined we should attempt against him by whom we are? The reason of sympathy and participation, as well in policy as nature, holds inviolable. What prejudice or injury the king shall suffer, we must feel. He is to us, as we are to the country, our very self. He is the representative part, our principal part, by the judgment of all ancient and modern philosophers. For the controversy hath only been between the head and heart, and he is both. He is *vinculum per quod respublica coheret* (as Seneca calls him), *et spiritus vitalis quem hæc tot millia trahunt*. He is, in the metaphor, the breath of our nostrils, and the bond by which we are tied one to another. Then can it not be we should attempt against, or in anything neglect, the honour of him who is so much our own!

Whence, then, had proceeded the mistakes and misinterpretations by which they had all so greatly suffered? Eliot was prepared with an answer, and to some partial extent with a remedy. Tale-bearers to the king were sitting in that house, and their powers of mischief might be abridged by some general tie of secrecy, not to be broken without grave penalties. The power of securing that their deliberations should not be prematurely divulged, was wanting to no council but that. 'More upon mis-report,' said Eliot, 'than the defects of any from these seats,' distinguishing the benches occupied by himself and his friends from those at the speaker's right where the privy-councillors sat, 'most upon mis-report,' he resumed, 'have been grounded the mistakes that have been this way heretofore. We, I know,' turning to his friends,

'have made it ever our special proposition, by all our labours and endeavours, to exalt and magnify the king, in whom consist the glory and honour of the kingdom. But others have been active to sow distrust. With them rests that spotted fame which hath dispersed and scattered jealousies, through the untimely delivery or report of those things still under



debate, which are here conceived before they are brought forth. For, in the dispute, all things are doubtful and uncertain; which, in the resolution, conclude happily and well. Being so taken before their times, they may easily fall into misprision, and so cause their authors to be suspected. Thus is it, I fear,' continued Eliot, with manly reference to the late imprisonment of Philips, Pym, and others of their house, 'that some have been heretofore traduced whose meanings were as far from danger as outward happiness hath been since from them. I speak it not in pity of their suffering, if they have deserved it; but in sorrow for this place, that had not credit enough to judge of itself, but must give up its members to suffer from his majesty's displeasure. To prevent such future inconveniencies should be now our labour. Let us endeavour that we be not now broken or interrupted in the success of our attempts. And let us watch, for the first, our own private jealousies and distractions. As the fault seems to be mainly in ourselves, so must be the remedy. We can only safely provide it by some general tie or obligation here, of truth and secrecy amongst ourselves. In no council else, but this, is such a security wanting. Let us further appeal to his majesty either to reject the whispers of our enemies or no longer to believe them. It is those who fear our parliaments that traduce them, and in the report deform the privileges of this place according to their false intentions. Of himself his majesty cannot misconceive us. He is wise; *et omnis sapiens est bonus*, saith the master of wisdom. Therefore I have no doubt but of himself his majesty will allow us all the privileges and liberties that may advance our counsels; and to this end I could wish that we might now specially petition him, and with some remonstrance in this point humbly desire the continuation of those favours that our ancestors have enjoyed.'

With a becoming dignity and spirit Eliot closed. 'I doubt not, when his majesty shall truly weigh us and our loyalties, and compare us with the former time, but he will be pleased to grant what we now ask. Which, as it will beget confidence, so will it add diligence to our endeavours both for the general good and his majesty's particular satisfaction. Without it the same hazards may follow us that before have been to others. Let us be wise from others' suffering. Let us take prudent counsel, that it may not, after much travail and time, be said of us as it was of the sailor, who, when taken from his harbour and with contrary winds and seas much tossed in a long storm, was enforced at length to put back again. *Non multum ille navigavit, sed multum jactatus est*. Let not our epitaph be, that the trouble and danger incurred by us was more than the profit of the journey.'<sup>2</sup>

That a great effect was produced upon the house generally by this speech, there can be no question; but to its suggestion that they should then specially take means for insuring the continuance of those favours their ancestors had enjoyed, resistance was offered by two distinguished men who on previous occasions had been prominent in connection with privileges, and who now

<sup>2</sup> From the ms. in Eliot's handwriting at Port Eliot.

used such language as to leave little doubt that they had been in communication with Buckingham. Mr. Alford said that '*when time should serve*, he would concur with that gentleman' in his desire to leave that place as free to their successors as their predecessors had to them; and the most proper course would in such case be, to have a select committee and draw an act declaratory, stating that these and these were our privileges, and petition for the royal assent. But Sir Robert Philips spoke altogether more decidedly. Expressing his gratitude to Eliot, he yet condemned his proposal as ill-timed. He did not, he said, that day expect such a proposition. Serious matters pressed, and their meeting had been brought about by not much less than a miracle. With no irreverence, but in all good faith, the pious speaker went on to say that the prince had been playing the part of the Son of Heaven by mediating between them and his father. In gratitude they were bound to govern the proceedings of that parliament wisely and obediently. Nevertheless, Sir Edward Coke came to Eliot's rescue, and having in effect supported what the other had said, the matter resulted in appointment of a committee, 'not above twelve,' to take into deliberation the liberties and privileges of the house, and consider of a way to maintain them in time to come.<sup>3</sup>

The feeling as to Buckingham, and the position assumed by the leaders in regard to him, were decisively shown in the subject next brought forward. The chancellor of the exchequer reported the duke's account of the Spanish business as delivered on the previous Tuesday, and excited the house by relating the Spanish ambassador's remark thereon, that such dishonour had been done to his royal master by the narrative as nothing but the head of the narrator could atone. And whereas, cried Philips scornfully, no other expiation will serve but the duke's head, yet should he hope to see that head on its shoulders when thousands of Spanish heads should be—— 'Clear him, then, by unanimous vote! clear him!' shouted honourable members; whereon old Coke took up the cry, and delighted the house with one of those plays on words which made the prince say he never

<sup>3</sup> *Commons Journals*, i. 719-720.

tired of hearing him, he so mixed mirth with worth. For, <sup>And</sup> 'shall he lose his head? Never any man deserved <sup>in the resolution</sup> 'country and king: and shall he lose his head? <sup>times, the better of his</sup> 'Spaniard Mundimarre whom we thought Gondomate late im- <sup>A general</sup> 'ral vote straightway acquitted the duke of blame, and <sup>some have</sup> his Spanish narrative to have merited, from that house <sup>as out</sup> of their <sup>declared</sup> and the commonwealth, a great deal of thanks. When the poor king received this vote, he was sorely troubled between vexation at the duke's popularity, and dread of giving utterance to it. Eliot had taken no direct part in the resolution, but he was one of the deputation that carried it to James. His position was exceptional: for he was known as one with whom the duke was still nearly connected in official business, and had been formerly on terms of intimate intercourse; yet he was the only prominent member of the country party who held his course, at present, in manifest independence of the engagements which to some extent fettered all the rest.

Two days after these occurrences, Rudyard opened a debate on the two treaties, for the marriage and restoration of the Palatinate, in a strong speech for war. It was just the occasion for Rudyard's effective interposition. His eloquence gave him a position with the popular party in the house, and his place in the wards gave him trust and authority with the court. He had more than once played the *deus ex machinâ* to reconcile powers in conflict; and now that a union was to be declared, he interposed to confirm and cement it. Never had he taken so decided a tone. He was loudly for war. That was the only chance left. Protestantism appealed to them. Scattered and disunited in Germany, supplanted in France, threatened in Holland, she turned to them as to her last hope of succour. The Low Countries were her outworks and barrier; and therein was lodged the jewel most precious to Englishmen, the eldest daughter of England. Let them but make Ireland secure; and then, by a war of diversion against Spain, they might relieve the Low Countries, reunite Protestant Germany, and recover the Palatinate. To like effect spoke Philips and Sir Francis Seymour; the latter calling to mind, that in the very thick of these vaunted treaties, now crying out to be abandoned, Spain had turned out

used such language, for their king's daughter and her children ; and afterwards communicated to Lord Coke, who declared that the very mention of war made time should seem seven years younger. Never had they been so thriving as desire to learn at war with the arch-enemy of freedom. With their forces decimated, Ireland secure, and the Low Countries aided, they need not be at fear Turk, Pope, Devil, or Spanish king. Then rose Sir John Eliot, and gave his voice also against the treaties, and for the 'more manly English way.' There had been speaking enough, and better for them now to do than to speak. Let them look to their forts and their fleet. At the last conference it had been signified to them that several of our ships were at present stayed in Spain. Let his majesty be counselled of the urgency of immediately providing a sufficient fleet. War alone now could secure and repair them ; and in such a cause let them obtain the special funds required for additional ships, by enforcing arrears of penalties against recusants. Quite as much to displease as to satisfy the court, must have presented itself in this speech ; but Pym seconded the eloquent vice-admiral, and an address to the king was unanimously voted, advising him to declare both treaties broken.

Eliot also went up with the deputation that carried this address to Theobald's ; and it is noticeable that on their report to the house a few days after, opposition to any immediate decision on the king's reply came from Eliot. Mr. Recorder had declared his majesty's address to be of unequalled grace, and that their king was above all recorded kings in wisdom and in speech. The member for Newport nevertheless had his doubts. Since their return, he said, strange reports had given a different gloss to passages in that gracious answer, and he would move to interpose some time, so that all members might have copies, and opportunity for debating and treating of the things therein propounded. In the end the house agreed, and such was the course adopted.

The king was in truth become now so helpless in the hands of his son and the duke, that they had not only to vouch for what he said, but to explain its meaning. When the advice for breaking the treaties was first carried to him, he told the deputation he was very poor, and that if they drove him into war they

must supply him largely. But he further told them that the money given should be spent by treasurers appointed by themselves, and that, though war and peace are the prerogative of kings, he should accept no peace without consulting them. However he also told them that whether he could in honour and conscience engage in war, must be a matter for himself alone to determine; and he again informed them that his exchequer was empty and his debts enormous. When both houses afterwards went up to him, he snubbed their spokesman, archbishop Abbot, for assuming him to be at last thoroughly sensible of the insincerity of the Spaniard; and he sent them away with the startling demand of seven hundred thousand pounds to begin the war with, and annual payment of a hundred and fifty thousand towards his debts. Amid all his ebbs and flows of agreement and discontent, to only one thing he steadily adhered. If they were to take his power, he would have their money; and this led to sundry debates and conferences for a more precise settlement of terms, in all of which Eliot took active part. He was one of a committee with the lords 'on his majesty's estate,' to which, after conference on the 11th March, the lord-treasurer sent assurance next day of 'his majesty's resolution to call parliaments oft, to make good laws, and redress public grievances.' But that was not the explanation wanted. 'We had no doubt here yesterday, as among the lords,' was the answer. The king's 'particular debts' were a thing apart from the necessities of the war. They would be in no fit state to relieve them, till they had enabled the subjects to do it by relieving their grievances. At last the prince and duke had to interfere with assurance that a smaller sum would suffice than had been asked, and with explanations on other points. 'Only let my father get his sword out,' Charles whispered to those about him. 'It is a long one, and he'll not find it easy to get it in again.'<sup>4</sup>

The position of Eliot at this time was in every way noticeable. Though not practised in debate, he was already not only a leading speaker, but accepted as mediator between two sections of what were called the country members; those who had

<sup>4</sup> S. P. O. 17th March 1623-4.

'undertaken' to manage the commons on certain conditions obtained from Buckingham, and those who resented all such undertaking upon doubt of its expediency or of the sincerity of the parties to it. The members generally had been impressed by the practical turn of the speeches he had made ; by his frank assertion of their privileges ; by his choice of such points of a subject in debate as his public experience in the naval administration gave him most authority to treat ; even by the known facts of his old connection with Buckingham ; and, besides his power of eloquent expression, by his business-like decision of tone. But his ability as a speaker would never so quickly have obtained for him this position, if the independence so often denied him in later time had not been unreservedly acknowledged by his contemporaries ; and it was the fact of his honestly combining with it so ardent an advocacy of the war as to be able to support efficiently both the 'undertakers' and Buckingham, which gave him so important a place in the present deliberations. What Mr. Chamberlain now wrote to Sir Dudley Carleton of the lower house will make this yet more intelligible.

'Where the fault now is I know not, but they are very suspicious. Neither will they be led away by Sir Edwin Sandys, Sir Dudley Digges, and Sir Robert Philips, for they have so little credit among them, that, though they speak well and to the purpose sometimes, yet it is not so well taken at their hands ; for still they suspect them to be favourites, and hold them for undertakers.'<sup>3</sup>

Among men so suspicious, and with such grounds for suspicion, it behoved all to walk warily ; and Eliot, whose antecedents were known, and of whose recent imprisonment none could be ignorant, was the last to have escaped question, if such had been possible.

He did not scruple indeed directly to invite attack, if with any fairness it could have been made. The occurrence was trivial in itself, but is of value as an illustration ; because the remark it drew from him he could hardly have hazarded, if his own position had been one of personal or political dependence. He was active in all the committees revived from the last parliament for investigation of complaints against the mal-administration of

<sup>3</sup> Chamberlain to Carleton, 20th March 1623-4.

the various courts of justice ; and among the petitions presented in consequence of these committees, was one from the wife of a person named Grys, complaining of wrongs she had suffered from the court of chancery, and appealing against the long delays of that court. To this petition, however, which Sir Robert Philips specially reported to the house, Sir Edward Coke objected ; telling the house that the woman was half distracted, that the wrong she complained of occurred in ' Egerton's time,' that he was now gone, and that it was unusual to complain against the dead ; but after some discussion it was resolved that the grievance in question, with others, should be argued by counsel before a sub-committee, and this sub-committee was about to be chosen when Sir John Eliot interposed. He warned them to be careful in their choice, for he knew of what importance it was that the ' cries of ' the vexed subject' should be heard by unbiassed men. He desired them to ' have a special care' that its members should ' have ' no dependence upon men in place ;' and suggested further that it would be better to have no lawyers upon it, but that it were more just to ' have country men that have no dependence.' There are probably not many who will think these words likely to have been spoken by one who laboured himself under the odium of what they so earnestly condemn. Not on that occasion, nor any other, did his opponents hint at such a charge. Old Coke's reply was a mere statement of ' great inconvenience by having ' such a sub-committee,' and an entreaty to ' have it well considered of.' It will occur to me hereafter to show, explicitly, what kind of character his relations with Buckingham were now slowly assuming ; but for the present these indications mark it sufficiently.

Shortly after that friendly encounter with the famous ex-chief justice, Eliot had occasion, upon discussion of a private bill, to express yet more characteristically the opinion he had formed of both law and lawyers. A suit called ' Duncombe's case' had caused great excitement in the courts. The law of England appeared to have settled that the rights of a son born in wedlock, though the mother was so living at the time that the husband could not for a period of more than two years have had access to her, were indefeasible ; and a bill had been introduced for dis-

inherison of this supposed but spurious son. Eliot supported it with his utmost warmth and vivacity of manner.<sup>6</sup>

‘Mr. Speaker, though the letter of the law, by the judgment of these lawyers cited, does approve it, the reason of the law (and all law was first grounded upon reason) does deny it. Can a man beget a child that never yet knew woman? Or can that man be father that never got a child? Surely, whatever the law may say in determination of this point, whatever may be suggested by the lawyers, both reason and nature are against it. In this case I had far rather trust the judgment of physicians than of the law. I know what will be said: not that law would affirm it, but only for certain secrets would suppose it, and so by admission in particulars make a conclusion for the general. A husband, having been within such a distance in such a time, *may* have had access unto his wife, and so have begotten her with child. Therefore, not because of the individuals in this case but of the generals, he shall father it. To which I answer, that in this particular case the masters of the law themselves will answer No, unless he have lain with her; unless he have known her in such time as is natural for women to go with child. *Ponere impossibile absurdum est*. To suppose an impossibility is not worthy of the law; and this man, that has not known his wife, that has not seen her within two years’ space and more, can be no more adjudged the father of the child in question than the language in which that law was written (if such there be) may be esteemed the primitive tongue.’

With point and humour Eliot added :

‘But perchance it will be said the law in this case does dispense with reason, and assume a property in itself to make this lawful. Sure I am, however, that herein neither reason or nature can so dispense with the law. That were to give it a power the pope pretends to, to legitimate or otherwise at pleasure: wherein, besides the prejudice of his holiness, what inconveniences would else follow I shall leave it to your judgments. Let us all here, sir, reflect upon it. We are here in this service for our counties or the like. We may be continued here a long time; and we have wives and estates at home.’

It may be supposed that laughter and cries of assent would interrupt Eliot at this home-thrust. With a quiet dignity he resumed and closed :

‘I take no pleasure in this dispute, nor am willing to search too far the mysteries of the law. Our fathers might have errors, as ourselves; and where there is error in the man, there may be error in his works. But as I have always thought the law was grounded upon reason, I shall still believe so; and, with the consent of the lawyers in this point, I shall likewise be confirmed in that opinion which I have ever had of their de-

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<sup>6</sup> No trace of this speech has yet found its way into print. Eliot's notes of it are among the Port Eliot manuscripts.



servings. But to be taken with a word, because they speak it; or to believe that law, which is not reason; I must crave pardon for my ignorance. Their eloquence cannot lead me.”

The result was that the bill passed. Two days after this incident the debate on supply began, and in the course of it Coke explained to the house that if the entire demand made by his majesty were complied with, it would, taken with the hundred thousand pounds already promised in a single subsidy and fifteenth (a subsidy being seventy thousand and a fifteenth thirty thousand pounds), and with the twenty thousand offered as subsidy from the clergy, amount to no less a sum than nine hundred thousand pounds.

‘Almost a million!’ cried Coke; ‘more than all England could ever raise with any conveniency!’ His proposition therefore was to divide this sum into three parts, and to vote only the first three hundred thousand for the present; which, in order that all the burden should at first be laid on the wealthier sort, he would raise wholly by subsidies, without fifteens. Some were nevertheless for at once voting all. Old Sir John Savile of Yorkshire, who took active part in the discussion, would have had it referred to a committee;<sup>7</sup> but this, though supported by Mallory, Alford, and Seymour, who doubted if the people *could* give so much, was overruled. Sir James Perrot thought the entire sum would be insupportable, unless moderated by the time and manner of the levying. Mr. Pym did not object to the amount, but a limitation as to time was necessary, for the ease of the subject. Sir Henry Anderson of the north descanted strongly on the danger of not giving. What the vice-admiral of Devon had recommended, on the address, he would now repeat. Let them shut

<sup>7</sup> From Eliot’s own notes in the Port Eliot mss.

<sup>8</sup> This proposition for an adjournment (for such it would practically have been) was so violently resisted, that (as I find from a report in the Harl. mss.) Sir Dudley Digges had to interpose with the remark that ‘it was the old fashion of parliament, if a man spake absurdly or distastefully, not to cry him down, but for him to be answered or checked:’ whereupon Mr. Selden, famous already for his *Titles* and *Tithes*, and whom Lancaster had sent for the first time to parliament, made his maiden speech. ‘I will not speak to the great matter in hand,’ he said, ‘nor to the orders of the house, being so young a parliament man, but yet I have been no stranger to the journals of either house, and have found that the pettiest business hath not been so precipitated.’ He was favourable to adjournment; but his argument was hardly sound, since the pettiest business might for that reason admit of delay, when the most grave did not.

the back door, throw up at once their wooden walls, and give succour to their best friends: in other words, secure Ireland, raise speedily a fleet, and help the Protestants of Bohemia. In effect the vote was ultimately what Coke had suggested; but, upon objection from the solicitor-general, who thought it a dangerous example in such a case to omit fifteens, it was taken in the form of three subsidies and three fifteens to be paid in one year, with conditional pledge for more when more should be indispensable.

Eliot spoke early in the debate, and with an effect that contributed to this decision. He was against delay. He was for as much as could be voted then, and for all when the time should admit of it. Much needed to be done for the ports and harbours, which for the most part were defenceless. Let them not vote grudgingly. All that there presented itself for consideration lay within a narrow strait. On the one side were present necessities, on the other future inconveniences; and of the evils it was their duty to choose the least. He had himself been much dejected, at first, because of his majesty's answer. But those misgivings had since been resolved by the prince his highness. (Buckingham he named not, nor referred to.) That wrongs had been committed by the treaties, no one could doubt. The extent was too apparent to which they had prejudiced England. Nor was it any real force or power in Spain that had done it. *Non tam potentia sua quam negligentia nostra*. Let them now repair the wrong. The inclination, and disposition of the king they all knew. Their common interests were at hazard, their friends at pawn, their religion at stake. He would have them strain at once, to be made safe for once and all. 'Are we indeed poor?' cried Eliot. 'Be it so. Spain is rich. We will make *that* our Indies. Break with her, and we shall break with our necessities also.' But above all, let their decision be speedy, or their very intention might turn against them.

Such was the impression on Eliot's resuming his seat, that Mr. Treasurer thought it right to state his objection, at that time, to speeches of which the object was 'to stir-up our affections.' There was certainly small need of excitement, either within or without. The popular feeling that broke forth when the voting of the supplies became known was without example. Not till then, it would seem, had the common people trusted themselves to believe that the intentions against Spain were real. Bonfires were made thick to the very gates and doorways of the Spanish embassy. All the world in the city ran in debt for fagots and gallons of wine. The Spaniards connected with

the embassy were everywhere insulted, to the great joy and exultation, as the aristocratic Wentworth phrased it, of the cobblers and other bigots and zealous brethren of the town. One of their friends brought it before the house next day. Well then, said Sir Robert Philips, let the people be punished. Better make inquiry, said Eliot. Coke had his doubts. Sir John Maynard protested he had walked up and down the streets from eight to ten the previous night, and saw nothing but enjoyment, no disorder. The matter had better rest where it was, for it was probably a fiction. And so it was left.

But at court itself things were now little better than among the cobblers, bigots, and other zealous brethren. All the fine lessons of Castilian, learned while the prince was in Madrid, had been unlearned on his return with a mighty rapidity. Sir George Goring was a model courtier; and he could not now express better his devotion to a patron than by wishing that, if he failed to serve him, the hottest Spaniard, surfeited with raw bull's flesh and garlic, might spit in his face.<sup>9</sup> Our courtiers that were in Spain, wrote Chamberlain to Carleton, 'begin now 'to open their mouths and speak of where they found nothing 'but proud beggary, coarse usage and entertainment, besides all 'other discourtesy.' In no less a degree was the poor king driven to change *his* tone also, at the bidding of his un pitying taskmasters; and he who, but eighteen months ago, had declared himself as an old and experienced king free and able to punish any man's misdemeanours in parliament, was now fain to tell the Spanish ambassador, through his secretaries, upon personal complaint of the language of Eliot and other members of the commons, that the house was an assembly of the chief gentlemen of the kingdom, and that freedom of speech was their hereditary privilege.<sup>10</sup>

One more incident of some importance occurred in the matter of supply. Upon the report of Sir Edwin Sandys from a conference with the lords, on the 1st of April, a recommendation was made for anticipation of the subsidies by an immediate loan, on the ground of the pressing urgency of at once setting forth

\* S. P. O. Goring to Carleton. 31st Oct. 1623.    <sup>10</sup> Ib. March 1623-4.

a fleet. Intelligence had been received of as great a navy in preparation in Spain as in 1588, while at Dunkirk a great many flat-bottomed boats were in readiness to land men ; and, for all this preparation, the only pretence urged hitherto had been the journey of the infant. Philips hereupon adverted to the thinness of the house, and suggested a day's delay for so weighty a proposition. Eliot did not resist this, but added his testimony to that of Sandys and the solicitor-general upon the great importance of the subject. The intelligence had been conveyed, he said, in letters to the lord high-admiral of which he had that morning had sight. The debate ought to be taken early next day. The season of the year required haste. The vice-admiral had doubtless been called to sudden council at the admiralty upon the course to be pursued.

On the 24th of the same month the money voted was ordered, on the motion of Eliot, to be paid into the chamber of the city of London ; and the proceedings on the subsidy bills were closed by a further speech from the vice-admiral proposing thanks ' to the prince, the king, and God for the happy result of their deliverations. He would have a message of thanks to the prince, ' to desire him to be our mouth of thanks to the king, and to ' entreat him there may be throughout the kingdom a general ' thanksgiving to God.' *Wondrous fine* this speech is said to have been,<sup>11</sup> but it has perished.

Before quitting this branch of the labours of the parliament so brought to a close, it is right that a few words should be said as to the condition proposed by the king and accepted by the house, that, in order to insure the application of the money to the purposes of the war for which it was raised, it should be paid into the hands of commissioners appointed by the commons, who should superintend its receipt and disbursement. Writers of authority have called this 'unprecedented,' but the remark seems founded on a misapprehension of the drift of the proposal. The king reserved to himself the direction of the war, and determination of the special objects for which disbursements were to be made ; but detailed accounts were to be

<sup>11</sup> S.P.O. Nethersole to Carleton, 25th April 1624.

placed before the house by its own commissioners, acting for the time as treasurers to the king, and responsible against any expenditure other than for the purposes of the war. The origin of the proposal, in short, which has been overlooked, explains its intention. It was to guard against the first suggestion of the king, so distasteful to Eliot and the rest, that they should consider his private debts in their vote; and it is a pity that full effect could not have been given to it, and the expenditure of the kingdom then separated, once and for ever, from the debts and expenditure of the king. Much subsequent misery and loss might so have been prevented. It is to the purpose to add, however, that these commissioners were bound to have regard to the specific object to which hostilities were to be restricted; and in the event of this being overpassed or evaded, the further condition for additional subsidies was void. The object was to be the recovery of the Palatinate. What had heretofore been sought by treaty was now to be achieved by war; and as the Spaniard was believed to be inextricably pledged to assist in withholding that territory from its lawful owner, war was to be made with Spain. It will be seen hereafter how far these terms were kept; in what manner the conduct of the war corresponded with its origin; and to what extent Eliot was justified in the views on which he afterwards acted in opposition to Buckingham and Charles.

#### IV. *Prorogation and Dissolution.* ET. 32.

But now, the war-question disposed of, the house had breathing-time for subjects not inferior in importance. Before mentioning these, however, Eliot's share in what may be called its ordinary business should be briefly mentioned. His name constantly recurs in the journals; and his attendance in committees is as unremitting as his participation in the business of debate. questions of legal reform, disputed points of university privi- was made equitable settlement of crown lands, are subjects in on the grous prominent; and, with Coke, Philips, and Giles, adly associated in carrying Cornish private bills.

\* S.P.O. Gorn of the conferences with the lords, he acted as

one of the managers ; and we have seen with what jealousy he opposed, even against the popular members in communication with Buckingham, a relaxation of the privileges of the lower house, or an attempt to put in abeyance any constitutional usage. So, when the ministers proposed, through Sir Guy Palmes, to have a bill drawn for continuance over to next session, in statu quo, of all bills in progress, that so they might 'husband time' (and at any time have excuse for prorogation), the name of Eliot, in connection with those of Coke, Philips, and Digges, was found successfully opposed to it. Monopolies of every kind had a strenuous and unceasing opponent in him ; and he never tired of reminding the house of the petitions (those 'stinging petitions' as the king bitterly called them) 'not to be forgotten 'against recusants : ' but he never pressed harshly against an offender. When Sir John Savile and others of the popular party pushed hard against the under-sheriff of Cambridge for an irregularity at the election, Eliot humanely interceded ; suggesting that the custody already undergone, and the expenses incurred, were punishment enough. Coke seconded him ; and 'dismissal 'with a check' was all that befell the under-sheriff.

To the punishment of a more important culprit which made this parliament memorable, Eliot, though not one of the managers, nor taking any early prominent part beyond acting occasionally on the committees that conducted the preliminary inquiries, contributed at the close of the proceedings a brief but powerful speech. The sacrifice of the Lord-treasurer Middlesex to the just resentment of the popular leaders, had formed, there is no doubt, a principal item of the negotiation with the favourite that preceded the opening of the session. Eliot was no party to that negotiation, and may have been reluctant in the first instance to take leading place in a transaction directly resulting from it. Without implying doubt of the lord-treasurer's guilt, as to which the line he took on questions incidental to it showed prominently his strong belief, this abstaining from interference in the early stages of the impeachment may have implied some misgiving as to the propriety of motive which impelled the proceeding at the particular time. That Lord Middlesex had been extortionate, had taken bribes, and committed malversation in

his office, was as little questionable as that Buckingham gave him up to his prosecutors for none of these reasons. As he had raised Cranfield from obscurity for servile compliances, he was now hunting Middlesex to disgrace for having kicked at his patron. Williams himself only escaped the same doom by more supple and agile submission. In vain the shrewd old king remonstrated. 'By God, Steenie, you are a fool; you are making 'a rod for your own breech!' To no effect did he tell both houses that the lord-chancellor's impeachment in the previous parliament was no precedent against a great officer of the state who denied the guilt charged against him, seeing that the Lord St. Alban had confessed his. In vain he warned both his son and the duke that they would live to have their bellies full of parliamentary impeachments. The commons were suffered to proceed; and it was no longer possible for Eliot not to take final part, when, the case being proved in all its aggravation, attempts were made to exempt the offender from due punishment, by reason of the very magnitude of his offence. On this he spoke with decision and spirit. The king had been correct in urging that Bacon's case was too feeble to establish a precedent. But now, the constitutional right that had slept for more than two centuries was rigorously enforced; guilt having been made manifest, punishment was deliberately voted; and a vital parliamentary function was resumed beyond the possibility of recall. 'O, 'parliaments work wonderful things,' cried Coke. 'It was to 'no purpose my lord began to cast his circle and fall to his 'conjuring. Better he had not left his shopboard!'

With something of the same scornful allusion to Cranfield's origin, Eliot put in contrast the height to which he had sprung, not by honourable ambition, but by base and unworthy practice.

Comparing him to 'some strange prodigious meteor,' he said that 'the original of such bodies being uncertain, their natures hidden, their operations secret, and everything relating to them corrupt, they beget rather astonishment than admiration, and (though they shine gloriously for a while) threaten only ruin and disaster. They are nothing but as they derive from a higher than themselves. Actuated only, and set in motion, by the influence or attraction of the sun, their own matter and substance is an imperfect composition of elements the very lowest and the

basest. By that great power drawn up from their own sphere to be refined, but by reason of their natural hardness and resistance becoming monstrous in such height, their ends are too well known to be commended. I am loath' (continued Eliot, as if conscious that his allusions might be more widely applied) 'to strain this metaphor too far. I know, where now I am, what the times are of which I am to speak. Neither shall I willingly detract from honour. But I cannot impeach the sincerity of mine own conscience, which I hope shall always render me, to your opinions, worthy the service of this place. The greatness of the person whose cause is now in hand gives me the greater will to speak that freely which all men will imagine. Where there is fault, there should be punishment. The justice of this house is too perfect and exact to decline to favour or respect. Reason does herein lead me. Where offences are committed, the greater the delinquent I must always deem the greater the delict; because such sin not only in themselves but are the cause of sin in others, whose acts their great examples have misled. I confess they are a happy thing, great men and great officers if they be good, and one of the greatest blessings of a land: but power converted into evil, as Tacitus notes in corrupt magistrates and officers, is the greatest curse and cruelty can befall it.'

Soon was that page of Tacitus to supply the speaker with comparisons of other and loftier application, and of a meaning more terrible. He now simply closed with his own opinion of the case.

'I shall not trouble you again with repetitions. The enumeration of those particulars that have been charged and proved is needless: and the defence, how weak it is you know. But upon all to give you the sentence of a true English heart, though with much sorrow and grief that any man should so deserve it, I shall be bold to say of this great lord, how great soever, that I hold him to be, by that which is already known, which I am confident is the least part of that which he has done, unworthy the favour of his country, unworthy the favour of his prince, unworthy the employments of either! And so I would have him transmitted to the lords, from whom I doubt not but he shall receive a judgment equal to his demerit.'

The judgment he did receive was not unsuited to the sordid nature of the man. He was condemned to a fine of fifty thousand pounds, to be imprisoned during pleasure, and to be excluded from parliament and the verge of the court.

James remitted as much of this punishment as he safely dared; but there was no longer even the show of a good understanding between him and the commons, though he was too deeply committed to be able to refuse his assent to various bills

<sup>1</sup> Port Eliot mss.



which had been in progress all the session, and above all to the famous bill revived from the previous parliament, abolishing monopolies for the sale of merchandise or for using any trade.

In promoting this enactment Eliot was prominent; and I have been so fortunate as to discover his notes of a speech upon it, taking rank with his most masterly efforts, in which he opens up the whole question of impositions by prerogative. Still this all-important matter remained unsettled. Since the judgment of the exchequer in the merchant Bates's case, by which the judges affirmed the king's right to impose a duty of five shillings the hundredweight on currants over and above that of half a crown granted by the statute of tonnage and poundage, heavy duties on every kind of merchandise had continued so to be imposed; but from each successive sitting of parliament had issued determined remonstrances against the assumed power, as incompatible with the ancient liberty, and with the subject's right of property. Such remonstrances, and bills prepared in accordance with them, had in effect led to the dissolution of the two parliaments of 1610 and 1614, in the latter of which Eliot sat; and the consequences to commerce itself had been disastrous. The power which the king claimed for his prerogative, by the same assumed right he had extended to others; and out of companies and individuals acting as king's farmers, sprang the mischievous monopolies against which the bill was directed. But even these were not the worst evils. Some of the exports most in demand had been diminished more than half: many large traders had been beggared; and the merchant shipping of the country had alarmingly fallen away. All men out of the purlieus of the court saw the danger; but it was difficult to get some men, either without or within them, to see that the greatest sufferer after all was the king's revenue, which in a preëminent manner robbed *itself* by the means it took to plunder the king's subjects. Eliot's keen observation, while engaged in his vice-admiralty, had sufficed to show him this. The condition of the harbours of the west had daily revealed it to him. And now, applying the experience with a knowledge reaching far beyond his time, he undertook to exhibit it to others. Nor could better proof than this speech be given of the practical character of his mind, and

of the manly sense with which, rejecting everything unreal, he applies to the discrimination of public affairs that which has lain within the range of his own observation.

Impositions by prerogative, he began by telling the house bluntly, were as little agreeable with policy as with reason. Reason affected not the cries and exclamations of the people, nor policy the unstrengthening of the state; yet these did both, and were in effect a weakening of the state as well as a grievance to the people.

‘Though I know it will seem more strange,’ he continued, ‘they are *ex diametro* opposed to the main point of their intention, the benefit of the king. And when they shall be taken upon a just counterpoise and weight, they will be likewise found unprofitable to the imposer, to him who hath obtained that monopoly: for, however they carry a fair show at first, and for a while relish like all new things, in conclusion, with that hyena’s face, they bite.’

Eliot proceeded, after this striking commencement, with reasoning that, however much in advance of his time, could hardly have failed of its effect, by mere force of its plainness, its simplicity of statement and illustration. That such impositions were a grievance to the people, he said, no man could doubt, if he considered that commodities which ought to be free received thereby such a tax as made them cheaper to the seller and yet dearer to the buyer. Oft-times were men thereby enforced to pay for their own labours. The country was ever complaining for that which is here at home; the merchant ever in need of that which comes from abroad: and all men in general were undergoing the kind of inconvenience which they sooner feel than see. The system was eating, not only by itself, but by its accidents in the shape of exacting and extorting ministers, into the heart and bowels of the kingdom. By detailed examples he went on to show that impositions and monopolies were a weakening to the state by diminishing both the strength and power which naturally it possessed. It might appear many ways.

‘First, by disheartening the subjects, and making them not only less able but less affected; for the rule is, *potestas humana radicatur in voluntatibus hominum*. Secondly, by impoverishing the subject and lessening his treasures, which are the nerves and sinews of occasion. For the gain to individuals is substituted for good to the general. The treasures brought in by the merchant are not of his own; and he, being discouraged in his benefit by the great charge of trade, wholly neglects it, or retires it to some special place or thing that may satisfy his own particular without intention of the common good. Of this we have had too much and late experience. Thirdly, they are a manifest weakening of the state in the decay of our navy. For, as the trade declines, the goodness and number of our ships must needs impair; of those ships which have been

heretofore so famous, which have been heretofore so fearful to all our enemies, even with their name or sight obtaining victories. However of late they may not have been so fortunate, the fault was not theirs. They are still that wooden wall that must defend us, if there be cause, or the ancient oracle that so prophesied for the Athenians will speak us lost! Methinks this should of itself, without more reason, sufficiently disprove these impositions, and dissuade their use.'

But the eloquent vice-admiral had a more startling argument in reserve.

'Yet with the favour of your patience,' he went on, 'I will in the third place a little further urge, in proof of my supposition that they are likewise unprofitable to the imposer. This may seem a harder task; because experience will not yield to reason, and for the most part we look but to the present, not heeding what is to come or what hath past. Yet in this, if we will but consult our memories, and view the times before us, comparing them with those former, and then suffer our judgments to weigh with reason what is like to follow by consequence from both, I doubt not but we shall derive something to show these impositions, these fair-looking monsters, not upon all parts alike. In the face I confess they are fair, and promise much. They are a clear addition of a new income, where nothing was before. They are a pure creation to such as are to have them. To these they seem at first as growing out of nothing, being raised so insensibly as they perceived it not. But they are as the rib taken from the man's side, which did both weaken and deceive him. So it is here. When we have had time and experience to view their back parts well, there we shall find them altered. *Mulier formosa superne desinit in piscem.*'

Eliot then, amid strong assent and sympathy from the powerful northern party, instanced the condition of the woollen-cloth trade, their great staple. Here the restriction on exports, met by corresponding prohibitions in the States of Holland and other countries, had operated disastrously throughout all the great cloth-districts of Yorkshire and Lancashire. Nor less, Eliot now had undertaken to show, had they proved disastrous to the king's revenue.

'Take any large trade,' he said, 'and consider how it stood for its commodities before they became severally charged with impositions; then compare it with the present condition and state it now stands in; and you will find the small increase to revenue that such additions make. The trade of cloth shall speak it for the rest. As it is the greatest, it may well deserve most credit. Was the king's benefit ever so much in that, now so heavily burdened, as when it paid but the noble on the pack? Surely no! And those that will, may see it both in the effect and reason. For that easiness made the merchant's benefit more, while yet he sold the cheaper. That it was which so enlarged the vent beyond sea, where now, for the price, others under-creep us, and so forestall our markets. From 80,000 they have brought us down to 40,000 cloths a-year; and as it is in this, so it is in all. The greatness of the charges lessening the

merchant's benefit, discourages him from trade, and makes him to desist, and every man so lost to commerce is lost to the king. Projectors fatten upon individual loss, but the king and the state are weakened. His majesty derives profit not from heavy duties on some, but cheapness in all. The number it is that will supply his majesty's profit, if there be vent, and not only with advantage outgo all projects in that particular, but with an infinite enriching to the whole kingdom, not only in the commodities, but in the labours of our men, to make them more industrious who now stand idle and do devour us. The town of Amsterdam can give us good testimony in this. There, as I am credibly informed, their customs come to more than in all England, and yet the proportion and rate not a third part of ours. What is the cause of this? The easiness of the charge. It is that which does not only quicken their own but draws other merchants thither. For, wherever the merchants' benefit is most, there they resort; and especially that nation whose inclination hither we may easily discern. And would it not then be so with us upon the like reason? Yes, and much more. Much more; as we exceed in many opportunities and advantages which they affect and study, but possess not. Our harbours are more, our harbours are better, our harbours are nearer in the course and way of trade. And that which they fear there, the danger of an enemy, in whose view they pass into their own country, our coast is free from. So that, abate the customs, and they will be soon drawn hither. Here they will come to make their staples; and herein his majesty shall not only gain by the multitude of exotic importations, but by the expectation of the same commodities that will pass hence to serve our neighbours. Their example too, with the same reason, will likewise stir our merchants; and this I conceive to be a clear demonstration of my third argument in proof of my opinion.'

Anything more clear or convincing it would indeed be difficult to imagine. Among the elaborate arguments against impositions and monopolies handed down to us, exhausting the learning on one side and the other, this stands apart. It goes directly to the root, and exhausts the common sense, of the matter. It was no part of Eliot's business here to discuss the legality. The illegality of such impositions had been repeatedly declared by parliament. His object was to show that they had none of the effects alleged or desired even by their promoters, and for this he had relied on what his own experience in the western harbours revealed to him. He had seen the carrying trade almost perish, and the pirate the only prosperous merchant. But there was another consideration he could not shut out, though he did not on this occasion set it forth very prominently. The discontent of the people under these impositions was becoming every day more formidable; but with consum-

mate tact, as became the supposed existing, however temporary, accord between the court and the country party, he contented himself by figuring it, and its dangers, under form of an historical anecdote.

'I am loath,' he said, 'by instances to press it further or to show what bad effects almost in all parts of Christendom these new imposings have had. Germany, France, Italy, Spain, the Low Countries, all could speak too much in this. Nor will I stay to vouch the judgment of our elders, from whom I could have good authority. Only one further reason I will give you out of Fulgosius;<sup>2</sup> and if you please to take the story, it will not be found impertinent. The Genoese, sometime subject to the Duke of Milan, grieved at some great imposition which he had laid upon them. They sent an orator to the duke to entreat his favour and justice that the imposition might be laid down again. The orator, being come to Milan, found the duke celebrating the feast of St. John Baptist, which they there hold with such great solemnity as he could have no access for the delivery of his message to the duke. But from Genoa having been commanded to return a present answer, in the strait he invented a new rhetoric. Instead of an oration, he sent in a dish of basil and got it to be placed just before the duke. The duke, seeing the herb, and knowing it was not of common or ordinary use, inquired from whence it came; and hearing it was from the Genoan orator, he instantly commanded him to give the sense of this novelty. The orator being therefore brought to the presence of the duke, knowing it concerned his desires most shortly to be delivered, told the duke by that symbol he expressed the nature and condition of his people, with which it had great resemblance. For, being gently touched and handled, it rendered an excellent smell; *at si tritum seu pressum sit, naribus molestum est*. The reason was there liked, and the resemblance, I believe, may hold with us. Which, how it does conclude upon my arguments, I leave it to your judgments. My endeavour has been only to show the inconveniences of these impositions in respect of use; and to prove that, being a grievance to the people, a weakening to the state, and not profitable to the imposer, they are neither agreeable with true policy or reason.'

Eliot in conclusion suggested the course which he held it desirable that the proposed legislation should take, and practically these suggestions were made to form the basis of the bill.

'And now,' he said, 'to draw this to some conclusion fit for the present time, and to give you my opinion what I conceive necessary to be done. We are to consider that in point of right, as it has been often and long since in this place declared, these impositions are not legal, and that in fact and use they are inconvenient and full of prejudice; and yet we are to have regard to the reputation they hold in the revenues of his majesty, and that our affections may therein appear desirous not to abridge or

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<sup>2</sup> Cardinal Frédéric Frégose, or Fulgose: see *Biographie Universelle*, xvi. 6.

lessen, but rather to augment, the profits of the crown. I shall desire, therefore, there may be a special collection made of all impositions that are extant; that they may be particularly weighed and considered in their several importances and respects; and that such as shall be found and adjudged less dangerous in their consequence, may be past into an act and so made known and certain lawfully to continue. But that, in the same bill, all others may be revoked, with a declaration for the future that no imposition more be laid but by the general consent of parliament, and that he that shall counsel or collect them may be held for an enemy to the state. I hope this may give his majesty satisfaction that we desire not to retrench his just profits and revenues, and yet to preserve the interests of the subject freed from these great burdens and oppressions, and preventing for the future such kind of difficulties and disputes. To which end I desire there may be a committee appointed to prepare it and so to present it to the house.<sup>3</sup>

This was in effect what the bill did, in abolishing monopolies for the sale of merchandise, or for using any trade; and the statute-book never received a worthier enactment. Its form was simply declaratory that such monopolies were contrary to law and the known liberties of the people. It invited every man to take note that it enacted no new thing; that every subject of England had entire power to dispose of his own actions, provided he did no injury to any of his fellow-subjects; and that no prerogative of the king, no power of any magistrate, nothing but the sole authority of laws could restrain that otherwise unlimited freedom. Legislation had been silent in England for thirteen years when it thus found fitting voice once more. One subsidy bill had been the sole work of two preceding parliaments. But their long counsels which had been weather-bound, as Williams's racy biographer expresses it, came to a quiet road, and their vessel was lighted of statutes which are of immortal memory.<sup>4</sup>

The same ingenious person, in relating how it was that his majesty interposed no veto to the unloading of the first precious freight, explains for us also, in another allegorical flight, his ob-

<sup>3</sup> From Eliot's own notes in the Port Eliot mss.

<sup>4</sup> Hacket's *Scrinia Reserata*, i. 200; a curiosity of literature of which I have given an account in my *Arrest of the Five Members*, s. ix. Hacket (who was afterwards Bishop of Lichfield) goes on to say, in the passage noted in my text: 'The voices all went one way, as a field of wheat is bended that's blown with a gentle gale, one and all.' Hacket's large and various reading among the poets and classics, to say nothing of the

jection to let a second come to land. 'He let fall some flowers of his crown, that they might gather them up; which indeed was no more than *defluvium pennarum*, the moulting of some feathers, after which the eagle would fly the better.' Much to the old bird's disgust, however, he saw daily other measures in hand of which the object could only be so to clip his wings as that further flights might be marred altogether. Especially there were proceedings for enforcement of penal statutes against recusants, and for depriving them of offices in the state; and meanwhile there lurked concealed in corners of his palace jesuits and agents of Spain ready with their leprous distilments for his ear upon any moment's absence of the prince and duke. 'See,' said Father Maestro,<sup>5</sup> 'your young duke, precipitate and passionate, hath transferred the consideration of the Palatinate from the council to parliament, and now at length, in England, hath made parliament more powerful than the king!' Vexed even more than humbled, James tried momentary resistances, but was always brought back within the toils. It is not however necessary to pursue further the humiliating story.<sup>6</sup> Suffice it that the favourite remained triumphant; and that the king would not even have had permission to get rid of the commons when he did, but for their awkward interference in a matter which the duke had become as suddenly interested in as James himself. The match with France was now under secret negotiation; and rumours of it having gone abroad, the house addressed the king in what, with his favourite phrase, he called a 'stinging' remonstrance against concessions to any Roman-catholic court. The required pledge was outwardly given, and at the same moment secretly broken; but it became clear that parliament, if allowed

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doctors and fathers, makes us tolerant even of his preposterous opinions; and he had remembered here the *Philaster* of Beaumont and Fletcher:

... 'And the people,  
Against their nature, are all bent for him;  
And like a field of standing corn that's moved  
With a stiff gale, their heads bow all one way.'

<sup>5</sup> S. P. O. 3d May 1624. (Pedro is a mistake for Padre.)

<sup>6</sup> The reader will find it told with rare humour and wit in the *Scrinia Reserata*, i. 195-197. See also letters in the *Cabala* (edit. 1663), pp. 13, 300, and 348.

to sit further, would dangerously obstruct the intended alliance.

Notice of prorogation therefore was given for the 29th of May, and upon the commons going up to the king that day with intimation of the matters still waiting deliberation and redress, the parting, to quote the account of it sent to Carleton by Chamberlain, was with no more contentment than needed on either side.

‘The king spared them not a bit for undertaking more than belonged to them in many things; and for answer to their grievances, which were presented in two very long and tedious scrolls, he said that, having perused them, he thanked God with all his heart they were no worse.’<sup>7</sup>

And so the people’s representatives were dismissed to their several shires, and Sir John Eliot returned to his official duties in the west.

That these duties kept him in close communication with the admiralty during the few remaining months of the reign, there can be no question. It is needless to add that James never met the two houses again. They were prorogued, and again prorogued, from time to time, the French match meanwhile bringing itself to a conclusion; until at length a power higher than that of kings dissolved them.

<sup>7</sup> S.P.O. 5th June 1624.



## BOOK FOURTH.

### SIR JOHN ELIOT AND THE DUKE OF BUCKINGHAM.

1624-1625. *ÆT.* 32-33.

- i. Intercourse with the Lord High Admiral. ii. Spanish Ships and Turkish Pirates. iii. Last Letters to the Duke of Buckingham. iv. Mr. James Bagge; from the Life.

#### *I. Intercourse with the Lord High Admiral. ÆT. 32.*

THE vice-admiral of Devon was at Plymouth on the arrival of Count Mansfeldt in September, and took part in the necessary recruiting of men and ships consequent on that event. Difficult was the levy by press of soldiers and seamen, and incessant the labours of Eliot. Altogether it would seem that a force of about eighteen thousand men was raised; but their condition and equipment, and the manner in which they ultimately set forth from Dover, must have revealed to Eliot, more vividly than anything heretofore shown in his experiences, the results of government by personal favour and intrigue, where security had never been taken for due discharge of any public service, and, with a profligate squandering of money on all sides, there was no kind of provision for the commonest necessities of the state.

And as this first transaction in the war began, so was it carried to appropriate close. Wretched in equipment, and in conduct a mere depraved rabble, misery and disorder followed wherever they went. They were refused land passage through France, and driven back to their over-crowded ships, where a pestilence seized them, and the greater part found their grave in the sea, or had their bodies flung upon the Dutch coast to be 'eaten by hogs.' When Mansfeldt reached the Rhine, half his force had disappeared thus miserably, and with the rest he could

do nothing. Such was the first adventure in the favourite's grand scheme ; wherein, among the few nobler victims, poor Lord Southampton perished with his eldest son, and, somewhat later, the gallant Lord Oxford.

To what extent Eliot's former friendly intercourse with Buckingham may have characterised his unavoidable communication with the lord-admiral at Plymouth, or whether this was solely official, it would have been difficult satisfactorily to decide upon the only letters that have survived ; but, from what will be shown of the relations subsisting between them at the opening of the first parliament of the new reign, it may be inferred that their present intercourse was somewhat more than official, though far less, in the way of confidence or intimacy, than it formerly had been. Archbishop Williams, when he afterwards drew-up the apology to Charles in which he disclaimed connection with any of the 'stirring men,' declared that 'Sir John Eliot, the 'only member that began to trust in a complaint against me, 'was never out of my lord duke's chamber and bosom ;' but if this phrase meant anything more than the notorious fact of Eliot's official connection with the duke, the time chosen to give effect to the slander decisively rebuts it. Eliot had then been actually appointed one of Buckingham's accusers. As the dishonest prelate, however, may only have misdated what he had to say, ample evidence will shortly be afforded of its falsehood, even on that supposition. Meanwhile the most reliable presumption for any other than official intimacy rests upon an allusion in one of the letters now written by Eliot, from which it would seem to have been the intention that he should have accompanied Buckingham to France, in the mission contemplated shortly before James died. Eliot's position in regard to the desired French alliance, however, was somewhat peculiar. Foremost among the members of the house of commons pledged against any relaxation of the penal laws against popery, he was yet known to be not opposed to a marriage with a French princess. It was not more his opinion that Spain should be resisted, than that a friendly hand should be held to France ; he believed her to be England's natural ally ; and one of his charges against Buckingham, urged afterwards with bitterest effect, was that of

having needlessly broken peace and faith with so important a friend.

Quite consistently upon this question, therefore, might Eliot have been in 'my lord duke's chamber and bosom;' and, anything of personal intimacy apart, it was not unnatural that the lord high-admiral, charged with a mission to Paris involving many difficult questions, should have desired to carry with him the most distinguished of his vice-admirals, and a member of that country party in the English parliament which foreign statesmen regarded with salutary dread, and had an honest desire to conciliate. It may further explain the position of Eliot if allusion is made to that of Sir Thomas Wentworth. He disliked the match with France as much as the rupture with Spain, and though he disguises his feeling under playful sallies to secretary Calvert, one can see that his sympathies were with the 'unruly fellows in parliament' who might have been expected, if suffered to meet, to prove as agile against France as others had been against Spain. Wentworth was nevertheless a suitor to the duke at this very time, in circumstances that were far more likely to bring in question his fidelity to his own opinions than any that could be urged in the case of Eliot. At least the vice-admiral was not opposed to the public policy his chief was at the time pursuing; to whatever extent his recent experience on the coast may have strengthened the opinions we have already seen him fearlessly uttering in the house of commons, on the general unpreparedness and defenceless state of the land.

At the close of the year, Eliot, still engaged in his official duties in the west, came to London to receive certain special matters in charge from the lord-admiral: and letters now addressed by him to Buckingham, preserved in the state-paper office, indicate the existing relations between himself and his chief; elicit personal traits in a high degree characteristic of both; and offer important illustration of incidents as well as manners. The interval they occupy is that of the last three months of James's reign; when Buckingham was preparing for his embassy to bring over the French princess, and, eagerly seconded by prince Charles though no war had been regularly proclaimed, was devising every means to cripple Spain. Among

other arrangements with this view, certain English vessels had been, under the French marriage treaties, hired to France for employment against Genoa as the friend of Spain; and upon the latter engagement, and circumstances arising out of it, very important considerations will hereafter turn.

Eliot left London in December 1624, with an understanding that he should return in March to accompany Buckingham to France. The first subject requiring attention was a commission, at which he was to preside, for arrangement of a dispute concerning the clearance of the harbour of Catwater; and in conjunction with its members he was afterwards to hold an admiralty sessions for trial of certain Turkish pirates who had committed capital offences in the west. But the incident that first detains us happened on the way.

Stopping at Exeter as he passed to preside at the commission, he writes specially to Buckingham of a particular occurrence on the journey. A Dutch man-of-war had taken up floating at sea, 'as a *'derelict,'* a ship of two-hundred tons laden with rye, and brought her in at Teignmouth. He had ascertained the Dutch captain's readiness to present her to the English lord-admiral, expecting only a gratuity for his service, and payment of the charge he had been at, and for hindrance of his own voyage: as to all which the vice-admiral is confident that his chief would not have the Hollander go unrewarded. The ship was leaky, and the necessity of having men continually to pump her caused a considerable outlay. Her cargo of corn moreover was in great danger, and, if not presently disposed of, was like to be all, or certainly the most part, lost. Some sudden course therefore was absolutely essential, so that the cargo might forthwith be sold.

'The necessity and value of the matter,' he concluded, 'makes me importune for your speedy order, which as I shall receive, I shall attend with all respect and diligence that may express me your grace's most devoted servant, J. ELIOT.'<sup>1</sup>

After interval of little more than a week, about the 8th or 9th of January, the desired directions were received from Buckingham; but it is not until the 2d of the following month that the result is reported by the vice-admiral. He had proceeded in it, he says, with his best care and study for the lord-admiral's advantage; and, as

<sup>1</sup> S. P. O. 'To the right honourable the Duke of Buckingham his grace, 'lord high-admiral of England, Exeter, 1st January 1624.'

‘articulately’ as he might, he had observed the words of his directions. It is indeed curious to observe with what minute precision he renders account. If we are not to infer from it distrust of himself, which is not at all probable in such a case, it might seem that he distrusted the duke. He had begun by obtaining the help of the nearest magistrate, also a member of parliament, Mr. Hockmore, an ancient servant of the prince’s;<sup>2</sup>

‘and then,’ as he writes, ‘the place affording no officer nor man of quality in itself, I used likewise the furtherance of Sir Edward Giles, a neighbouring gentleman of reputation and eminence, whom I found so ready to your service, as I presume your lordship commands not anything more freely than his affections.’

The reader will observe, in these expressions, the forms of deference then universally used to men in Buckingham’s position; and will not require again to be told that there was nothing of dependency on prince or favourite in Sir Edward Giles.

Fortified by these assistants, Eliot summoned a jury of four ‘sufficient and understanding’ men; put them upon their oaths; and charged them to take inventory of the ship with her cargo and provisions, and make appraisement of both. Then, having meanwhile caused the corn to be cried abroad according to the selling prices of the markets, he required the jury to attend its sale and delivery, and keep a true account; certifying the same, with the inventory and appraisement, to himself, Hockmore, and Giles. They having witnessed these documents, Eliot had since transcribed them, and they were now transmitted to the lord-admiral, with a duplicate for the judge of his court. The ship with all her furniture and apparel remained unsold, and he should wait Buckingham’s further order thereon.

Eliot closes his letter, of which every detail is as conscientiously minute as if handed in upon oath, by informing the lord-admiral that he shall place the last-mentioned account in his own hands on coming to London. Buckingham had again urged his personal attendance; and his vice-admiral assures him that he shall use the greatest expedition he can, ‘that I may come seasonably to attend you, in whose favour I repose both the opinion and happiness of

<sup>2</sup> Hockmore, who represented St. Mawes, died not long after this time (in October 1626), and his estate became the subject of a small conspiracy among certain worthies who will hereafter play a not very reputable part against Sir John Eliot. The Devon judge of admiralty, Kift, announced to Buckingham’s secretary at the admiralty that Hockmore had left an estate of 800*l.* a-year to an heir fifteen years old, and that if Nicholas could get from the duke the wardship for himself, ‘Sir James Bagg, and me,’ he should have 2,000*l.*

'your grace's most devoted servant, J. Eliot.'<sup>3</sup> There is no more meaning, in any literal sense, to be drawn from these ordinary closing sentences of the letter-writing of that age, than from the ornamental flourish that frequently accompanies a modern signature; and they are quoted with exactness that the reader may see all that is to be alleged against Eliot on this score. His compliments are always in the same place, and carry neither help nor hindrance to the business they accompany.

In the hope of being able so soon to attend in person, Eliot had miscalculated. He could not leave the west without communications from Buckingham upon matters of importance, which failed to arrive; and he had even to write again, three weeks after the last letter, stating his willingness to leave other things to a time of greater leisure, but reminding the duke that his plans as to one particular stood in grave prejudice of his own interests. The ship at Teignmouth, reserved upon sale of the corn, had bulged in discharge of her loading, being old and weak; and had since impaired so much by lying that she would be of little worth unless speedily sold. The particular time, too, might present some chapmen to fit her for Newfoundland; but if that opportunity were lost, she was likely to return herself an unprofitable servant.<sup>4</sup> The argument proved to be a potent one with Buckingham, who replied in less than a week after Eliot's reminder.

Eliot had then reached Exeter on his way to London, partly to keep his engagement to attend Buckingham on his journey, and partly because the day was approaching to which parliament had again been prorogued. But the command for sale of the Teignmouth ship, conveyed in the duke's reply, took Eliot back to that place. He could no longer, he said in acknowledging its receipt, get the help of the gentlemen whose assistance he used in the sale of the rye, they being both parliament men, and at that moment (with himself) on their way to London; but such others as he might with convenience draw to the place, he would solicit to further him in disposing of the ship; and he hoped to render a full satisfaction.

Yet this hope might be called sanguine, seeing that even the minuteness and painful care for the duke's benefit that had distinguished his former communication had failed to give a 'full satisfaction.' In his present letter he is obliged to say that his grace seems to have mistaken the scope of the first valuation of the cargo by the appraisers, as that estimate was not a shortening of the bene-

<sup>3</sup> S. P. O. 'To the right honourable my very good lord the Duke of Buckingham his grace, lord high-admiral of England, 2d Feb. 1624.'

<sup>4</sup> *Ib.* 21st February 1624.

fit to the lord-admiral, but a formal conclusion against further claim to proprietors; limiting their possible recovery to the sum so stated, and thereby reserving in every case, wholly for the use of the admiralty, the overplus and advantage of the sale. Such had been his unvarying practice in all instances. Others, he knew, followed it not, but he had never forborne, having in that way justly accounted in all his former services; and though he might so have incurred dislike from those who acted with him, he was glad to have made a precedent for his grace's advantage.<sup>5</sup>

And now, returning to the point from which this incident has detained us, we are called to the commission for clearance of the harbour of Catwater from dangers occasioned by the sinking of a ship therein. A man afterwards well known, William Strode; one Richard Buller; and another person already named, not only connected very closely with Buckingham, but hereafter to be connected, much more intimately than honourably, with the fortunes of Eliot, Mr. James Bagg; were joined in this commission. The character of Mr. Bagg will very shortly be permitted to unfold itself.

The duty of the commissioners was to see that the necessary charges were undertaken by the authorities of Plymouth and Saltash, to which towns they presented letters from Buckingham requiring such aid. But their task proved the reverse of easy. Plymouth would readily have undertaken what was to be done, if permitted to do it without the intervention of Saltash, which, jealous of the more important town, and too poor to undertake the work itself, threw obstructions in the way. Such a precedent would infringe upon the prince's interests, and we cannot consent to it, said Saltash. Let us become ourselves the prince's tenants, replied Plymouth, and give us the privilege of the harbour-fees, and we will gladly ourselves do the work. The entire estimated cost of weighing the sunk vessel does not appear to have been more than 300*l.*, and it is amusing to see such an amount made matter of so much conflict, artifice, and diplomacy.

The first despatch respecting it is signed by all the commission.

<sup>5</sup> S. P. O. 'To the right honourable the Duke of Buckingham his grace, 'lord high-admiral of England, Exeter, 11th March 1624.'

Eliot, Bagg, Strode, and Buller; its object being to acquaint the duke that they with all speed had met the towns of Plymouth and Saltash, and obtained two several conferences, using thereat both the duke's arguments and such others as had occurred to themselves, to urge the necessity and haste of the work, to abet it by their advice, to encourage the towns in undertaking it, and to remove such impediments as they might find; but this last they had not found easy. By both towns much readiness was professed, but always ultimately withheld upon respect of their several interests. So strong the difference, indeed, that it appeared to them insuperable but by the power of some such wisdom as the duke's, to which accordingly they are forced to remit it. Each town had undertaken to certify for itself its special case, and the commissioners presumed that each would submit to his lordship's order.<sup>6</sup>

To this Buckingham replied by a request addressed to Eliot personally that the course proposed might not be taken, but that the towns should forward their respective statements to the vice-admiral, who should himself give decision thereon. After three weeks' interval, however, Eliot is obliged to write to the lord-admiral that he remains still unable to render the account desired, the difficulty being too great; but that he will speedily give his grace a more full certificate.<sup>7</sup> Within three days accordingly he writes again, conveying the only result to which he had been able to arrive. The gentlemen given to him as assistants had travailed hard to encourage and persuade the towns, and seek them help to advance the work; and the towns had themselves professed some readiness, but always with such reservation that nothing was determined.

'Their pretences were alike,' continued Eliot, 'both insisting upon the point of right, what they ought to do; and their ends, as I conceive, were so different, as they excluded all convenience and necessity. Plymouth seems to envy Saltash for the privilege of that harbour, so near unto it, and would, upon the other's refusal, undertake the task to become his highness's tenant therein: Saltash, weaker than Plymouth for such a charge, fearing to refuse it, pretends the danger of the precedent how it may trench upon the interests of the prince.'<sup>8</sup> I know not what excuse they will use themselves, but this I take to be the main difficulty—the disability of Saltash, and the desire of Plymouth for some advantage thereon to opportune itself for your lordship's favour; which that your lordship may dispose in the readiest way for the expedition of this and the like services, I have presumed to make this intimation: and what you

\* S.P.O: 'Plymouth, 2d January 1624.' Indorsed 'Sir John Eliot concerning the ship sunk in the harbour of Catwater.'

<sup>7</sup> S.P.O: 27th Jan: 1624:      <sup>8</sup> An allusion to the Duchy of Cornwall.



shall thereon command me, I am ready to execute with the utmost power of your grace's most devoted servant, J. ELIOT.'<sup>9</sup>

To which despatch, his gravity hardly concealing his lurking sense of the absurdity of the disputants, he appends a note intimating that 'the charge of the work, it is supposed, will not 'exceed 300*l*,' and so closes his connection with this notable dispute.

He had commissions of more importance in hand relating to the proceedings against Spain. It is remarkable, however, that, strong as his own views on this subject were, he sent up respectful remonstrance against certain projects of Buckingham in connection with it which he held to be indiscreet.

## II. *Spanish Ships and Turkish Pirates.* *ÆT.* 32.

Eliot's first report as to Spain was made in the middle of January. Writing from Dartmouth he informs the lord-admiral that the Spaniard's preparations for the seas are great, but as yet there was no mention or speech of Brazil. Throughout Spain, he goes on to say, 'our English' had been recently treated with extraordinary respect; and a general command seemed to have passed through the whole country that no man should impeach or trouble them in their business, or give any one the least personal distaste. So unusual, indeed, and so full of ground for suspicion as a mere blind to other preparations, was this courtesy, that it had filled the English agents residing in Spain with alarm, so that they had been hastening all they could to withdraw from the country. Their opinion was that the design in reality looked northwards. All this had been reported to Eliot by a factor very lately arrived, and who thought it no unhappiness to be quit of his employments; 'which,' the letter concludes,

'as a part of my duty that in all things I covet to express, by way of intelligence, I have presumed shortly to deliver, and in honour of your excellence, kissing your hands, I rest your grace's humble servant,

J. ELIOT.'<sup>11</sup>

<sup>9</sup> S. P. O. 'Plymouth, 2d February 1624.'

<sup>11</sup> S. P. O. 'Dartmouth, 10th January 1642.' Indorsed 'Sir John Eliot to the Duke of Buckingham. Gives an account of some directions from his grace. Gives advertisement of great sea-preparations in Spain. Extraordinary kindness used there to the English. That breeds jealousy, and many doubt their designs look northward.'

One of his most special commissions related to the stay of ships and provisions (chiefly fish) bound for Spain. Upon the latter he addressed an elaborate paper<sup>2</sup> to Buckingham, differing as to the course proposed to be taken. After showing the strength and store of the western country, and the provision available for his majesty's use, he made the duke acquainted with some necessities which, if they were not prevented, might prejudice the English merchants. Three days afterwards he again urged upon the duke that in the report he had sent to him as to the stay of fish he had touched upon the necessities of the vendors for their preparations of the year then commencing: and he pointed out the ill consequence that would ensue if, assuming his majesty's provisions to be all duly served, the traders had not some liberty of vending for themselves.

'They do earnestly expect a resolution therein,' he concluded, 'for which I am likewise a humble suitor; and so desiring your pardon for pressing so great a heap of business upon your lordship's patience at once, I rest your grace's most humble servant,  
J. ELIOT.'<sup>3</sup>

Upon the detention of ships designed for Spain he reports more confidently. One of his letters has reference to an Eastland ship of Pomerania of four-hundred tons burden, carrying twelve pieces of ordnance and capable of more, which had arrived in Plymouth harbour 'bound for Spain;' and as she was new, of good strength, and with little or no lading, it was suspected that in going thither she had the end of her voyage, and might be expected to be employed thereafter to the prejudice of England. He had thought fit to stay that ship until further directions; but these he now desired to be sent with all speed, if the duke did not agree in the sufficiency of the reason for her detention. Seven or eight more vessels of the like burden and new build, which had never made voyage before, but also bound for Spain, were expected immediately in the harbour; and this rendered him more anxious to have the duke's decision. He states also, in a letter of later date, that some English ships had just arrived in Plymouth from the Spanish coast complaining much of injuries done them by Spaniards, and of great losses in their cargoes taken from them upon the seas by men-of-war of that nation. Such war-ships were indeed equipped only as against Hollanders, but now they fell likewise on English shipping.

<sup>2</sup> S. P. O. 27th Jan. 1624.

<sup>3</sup> S. P. O. 'Plymouth, 2d Feb, 1624.' By an entry in the privy-council register, it would seem that the council replied on the 14th of February to this letter of Eliot's, by order for release of a ship called the Sea-horse stayed by embargo, 'the officers of the navy being now provided with fish.'

'The merchants,' concluded Eliot, 'importune me much with these complaints, in which I make bold to acquaint your lordship, and so in representation of my humble duty, I rest your grace's most devoted servant,  
J. ELIOT.'<sup>4</sup>

One of the intimations in these letters connected with the hostilities impending would have had peculiar interest if the discoveries at which it hints had been given. They referred to intelligence from France of some new troubles begun about Rochelle by the leader of the huguenots, M. Soubise ; but being unable, as he says, through haste, to give it an apt form for his grace's view, Eliot had included what he had to say in a few words to Conway, assuring himself that the duke would receive it more complete from Mr. Secretary.<sup>5</sup> Unfortunately Mr. Secretary has not disclosed it to us ; and we cannot therefore judge to what extent it might have borne upon later disclosures in the same direction which helped to widen and make irreparable the breach between Eliot and Buckingham. For a brief space longer there is no hint of an ill-understanding, and these letters show, from time to time, the arrangement that had been settled for Eliot's taking part in the mission to France.

'I should be happy,' he says in one of them, 'from your lordship to understand likewise the time of your journey, in which I have devoted myself to your attendance ; and, as I would not neglect the least occasion to advance your honour, I shall in that labour to express myself your grace's thrice-humble servant,  
J. ELIOT.'<sup>6</sup>

In another he hopes that the time may not be so fixed as to prevent his due attention to the commission for trial of the Turkish pirates. The despatch having reference to that subject possesses peculiar interest.

The extent to which such pirates took part in the plunder of our defenceless coasts at this time has been the subject of frequent remark ; but it has received no illustration so striking as the fact that pirating had become so much more profitable than honest trading that several Englishmen actually went into the business, turned Turkish and renegade, and lived at Tunis. One of the captures at sea by Algerines was estimated at more

<sup>4</sup> S. P. O. Dated 'from Exeter, 13th February 1624.'

<sup>5</sup> Ib. Eliot to Buckingham, 27th Jan. 1624.

<sup>6</sup> Ib. 21st Feb. 1642.

than a quarter of a million. Nor was it that the corsairs only scoured the channels, for they frequently disembarked, pillaged the villages, and carried into slavery the inhabitants to the number of many thousands. It will occur to me hereafter, from papers I have found in Eliot's handwriting, more particularly to detail the character and extent of these outrages.<sup>7</sup> No wonder then that he should open his account of the sessions he had held at Plymouth with assurance of the extraordinary satisfaction its result had given to the merchants in those parts, who had so long and reasonably complained of wrongs against them.

The proceedings had also cleared the admiralty from aspersions heretofore cast on its jurisdiction, and the honour of the lord-admiral had been vindicated by the open justice allowed to the accused. Twenty-three 'Turks and renegadoes' and two Christians, the latter being a Dutchman and an Englishman, seized in the same service, had been put upon their trial; and all had been condemned, 'both 'those that this year came in at Plymouth and some others that 'have been anciently in the gaol, and upon former trials neglected.' Interest had since been made to obtain reprieve or delay of sentence, but Eliot had refused even to communicate with the admiralty on the subject, and had ordered execution in all but five cases. Twenty had been hanged accordingly. As to those reprieved, he had advised with the rest of the commission; and, while he recommended them for mercy, he had yet given no pledge that could justly operate against future execution of the sentence, if held essential. Eliot hoped otherwise, and his reasons for mercy are as just as those by which he vindicated his just severity.

Two of the men reprieved were the Englishman and the Hollander, not for the fact of their being Christians, but because their deeds had been much less criminal. It was yet for his grace's decision whether they should finally be reserved 'to be characters of 'his mercy.' As to the reprieve of two of the Turks Eliot spoke more confidently. These men had in a large measure expiated by seven or eight years' imprisonment (so imperfect were gaol-deliveries then!) the offence they had committed; and Eliot had found that during their time of detention they had made themselves serviceable, and given good testimonies of fair behaviour. The fifth person reprieved, or rather exempted from sentence, was a mere boy, 'young 'and not capable of the knowledge or reason of doing good or ill,' and upon him Eliot would not even permit judgment to be passed

<sup>7</sup> See the subject treated in my *Grand Remonstrance*, p. 228 (2d edit.).

as on the rest. He leaves the subject with renewed assurance of his belief that the laws had been sufficiently asserted.

‘The example,’ he says, ‘will be large in the rest; and such a precedent as I believe this country has not seen. Wherein I have studied nothing more than to accord the direction of your lordship with the expectation of the merchants, in whose respect you shall retain perpetual honour.’<sup>8</sup>

He sends him with the same despatch a general calendar, drawn up in Latin, of the prisoners tried before him.

An intimation closes his letter throwing light on some subsequent occurrences. He tells Buckingham that he is not satisfied with the commission, and should make bold to acquaint him hereafter with some dislikes. He objects to state them in writing; but in all probability his grace had already received some hint of them, for Eliot goes on to say that he doubts former despatches of his respecting Spain must have had some miscarriage, as no new instructions had since been sent to him. ‘And the importance which I conceive therein moves this intimation, upon which if your lordship shall require a new endeavour or account, I will not fail to express my readiness.’ The reader will shortly have good reason to infer that the presence of Mr. Bagg on the commission explains both the dislikes of Eliot and the silence of Buckingham; and that the imperfect allusions and innuendoes here given are to find their explanation in some intrigue against the writer.

### III. *Last Letters to the Duke of Buckingham.* æt. 32.

In the very next letter from the vice-admiral, written at Port Eliot within a fortnight after the last, graver matter of complaint appears more openly. Eliot had discovered attempts in progress to check the due execution of his office in the northern division <sup>as</sup> his county. And here it is necessary to explain that on the <sup>than</sup> Eliot, by Buckingham’s favour, of the patent held by the busi- it was made to include a reversion of the northern One of th- which before had been exempted from its profits, the

<sup>4</sup> S. paid to the Earl of Bath for his life, but on his

<sup>5</sup> Ib.

<sup>6</sup> Ib. P.O. ‘From Exeter, 13th February 1624.’

death reverting to Eliot. These circumstances were now recalled to Buckingham's recollection in a tone of not undignified remonstrance. The letter indeed is worded in the style of the time; and, though partaking far less than was usual of the self-abasing and submissive phrase in which everyone now addressed the favourite, majesty hardly excepted, it has expressions that might be open to misconstruction if not read with the context and some acquaintance with the prevailing epistolary custom. When, for example, Eliot, referring to the new powers granted him in Buckingham's patent, and his own subsequent exercise of these powers, calls himself the duke's 'creature,' the meaning is simply what the word literally implies, that those larger powers and their use had been of the duke's 'creation.'

'My most honoured lord,' he writes, 'As I am devoted wholly unto your service, I shall ever covet that which may be most for your advantage, and for myself retain no other ambition than the honour of the employment and your lordship's favour, which if I merit not, it is my fortune not my will that's faulty, and wherein I fear to be mistaken. I beseech your grace, pardon me to excuse myself, or to be humbled at your feet.<sup>1</sup> In the execution of your commands in the north division of my vice-admiralty, I find myself checked by a report and rumour there that the interest of those parts you have resumed from me, and promised to confer it on the Earl of Bath: which intention, if it arise from any particular distaste, I am unhappy; if it be grounded on the affection of some greater worth, I shall so far prefer your lordship's satisfaction, as to advance it with the sacrifice of all my hopes. But I believe it rather proceeds from some misprision, or suggestion that that place is void of any former grant and now to be disposed. If so, and that the estimation of my service be not lessened, I shall repose a confidence in your lordship's favour, and when there is occasion presume still to wait on your affairs. How your lordship past it to me in my patent; how I have used it since the death of the old Lord of Bath, for whose time only there was a particular exception; what benefits it has rendered through my endeavours; I need not to account. This expression I have made of my desires to show how fully I am your creature, and that your word in all things may dispose me, being vowed your grace's thrice-humble servant, J. ELIOT.'<sup>2</sup>

Take away the phrases of form, and what is here said is no other than that, in the administration of the office he served, the writer had studied the advantage of the lord-admiral rather than his own, and that his ambition had been rewarded chiefly by the honour

<sup>1</sup> He means that if he should fail in the one, he will be content to be the other.

<sup>2</sup> S. P. O. Port Eliot, February 1624. Indorsed 'R. 28 Feb. 1624.'

of the employment; that what it is now reported is about to be bestowed on another, had been passed to himself in his patent, exercised by him, and made beneficial through his exertions; that if he is now to be deprived of it through any personal distaste, he must regret and feel unhappy at that circumstance, though if with a view to its bestowal on a person of greater worth, he shall be content to sacrifice his own hopes to the duke's greater satisfaction; but, as he believes the proposed change to have arisen from forgetfulness of the exact terms of his patent, he recites them, and, presuming that the estimation of his service has suffered no diminution, will presume still, until otherwise advised, to wait on the lord-admiral's affairs. In his reply, Buckingham seems to have avoided the main point at issue, simply conveying his approval of Eliot's services. Three weeks later the vice-admiral rejoins:

'The intimation which was imported in your letter of the favour which your grace retains of my weak endeavours, does much oblige me; and wherein I may find an opportunity to express myself worthy that opinion, I shall not be slow to acknowledge so great an honour; for which I am vowed your grace's thrice-humble servant, J. ELIOT.'<sup>3</sup>

It is at the same time not without interest to observe that the duke's letter, of which such acknowledgment is made, met Eliot at Exeter, on his way to join Buckingham for the French mission; and that its effect was to turn his steps back to Plymouth for a work, which, however in itself important, might as well have been done by his officers or agents. It is clear to me that at this time it had ceased to be Buckingham's desire that Eliot should accompany him to France.

The nature of the influence now working on the duke will appear very shortly. But as, up to this time, the lord-admiral and his vice-admiral were agreed in their public policy, any dissatisfaction with Eliot must have turned rather on some suspected deficiency in pliable qualities than any alleged absence of patriotism. This indeed will hereafter be shown under Eliot's own hand; and, should the cause or motive of their final separation then seem to have been left still doubtful, one fact at least will remain unalterably to Eliot's honour,—that the point of time at which they parted, marks his own adherence to the policy he had originally espoused, and the duke's divergence from it; and that not until the death of James, and the acces-

<sup>3</sup> S. P. O. 'Exeter, 11th March 1624.'

sion of his son, when the favourite had thrown off the mask by which a whole nation was deceived, did Eliot take up a position of antagonism to Buckingham never again abandoned, as the enemy of his countrymen and a traitor to the state.

The last of his letters to the duke is dated on the 1st of April 1625, a little more than a fortnight after that last quoted. Only four days before, the old king had died at Theobalds; and when the violent reaction came, on discovery of Buckingham's bad faith in the Spanish and French marriages, it was very generally believed that James had been poisoned by the favourite, from the hands of whose mother, immediately before his death, he had undoubtedly taken a draught not prescribed by his physicians. If the charge had been more tempered, it would probably have been more true. In trampling down the one grand solitary object which the poor king had steadily pursued throughout his reign, Buckingham had broken his spirit; and petty insults and tyrannies did the rest. Those were the poisons Buckingham dealt in, and now they had done their work.<sup>4</sup> On the 1st of April, Eliot had again advanced towards London as far as Exeter to keep his pledge for the French journey, when a letter from the council-table was placed in his hands. Its purport can only be inferred from the letter he at once sent to the duke :

'My most honoured lord,' this ran, 'In the great desire I have unto your grace's service, nothing has more unhappied me than the want of opportunity in which I might express the character of my heart that only takes of your impressions. The times seem therein envious to me, presenting opposition to every purpose which I make: as if misfortune were their project, I the effect. This second time I had now advanced my journey thus far to attend your grace, and long ere this I had hoped to receive the honour to kiss your hands; but the sad intimation of his majesty's decease, meeting me here in some letters from their lordships implying a caution for the late intended prest of mariners, has imposed not only a sorrow, but an astonishment in all my faculties, that of myself I have not

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<sup>4</sup> 'The disease appeared to be a tertian ague,' says Laud in his Diary. 'But I fear it was the gout, which by the wrong application of medicines was driven from his feet to his inward vital parts.' Irritation, humiliation, and the constant worry of disappointment, to a man ordinarily unaccustomed to these vexations, are better drivers of the gout from the feet to the stomach than the worst misapplication of medicines that quackery can devise.



power to move in anything without new direction. The apprehension of so great a loss, and the particular sense which I know remains in your grace, whose affections I must bear, makes me doubt a general indisposition until the grief may somewhat be digested. Upon which I dare not presume farther but as I shall be warranted by your commands. In expectation whereof I will, in the mean time, settle all my resolutions, and become wholly devoted to the contemplation of your excellence; retaining my endeavours in the same readiness which has always been professed in your grace's most humble servant, J. ELIOT.<sup>s</sup>

The writer appears to have received no more command or direction from Buckingham, for anything of mere personal service; and, though in many expressions of that last letter there is a tone of personal sympathy for the duke's loss, which shows as yet no suspicion of altered favour, there can hardly be a doubt that this second stoppage of Eliot's journey, by means of so prompt a communication from the privy-council, had been the duke's own work. His vice-admiral was not to attend him into France, or be his humble servant any more. The intrigue for some time in progress against him in his own country and office has continued steadily to work to its end, and the chief actor in it must now be introduced.

#### IV. *Mr. James Bagg; from the Life.* ÆT. 32.

Mr. James Bagg was a western man, who, through some family connection with Nicholas, the secretary to the admiralty, had risen from various incidental employments in that department to a position of confidence about the person of Buckingham himself, which as he had earned, so he kept, by the most complete abasement to the duke's will. He had been joined with Eliot, as we have seen, in some admiralty commissions during the early part of the year, and from the moment of that connection with him appears to have begun the process of steadily undermining him. Eliot suspected the man from the first, yet seems to have thought him not strong enough to be dangerous; but immediately after the king's death the restrictions in the duties of his office, of which he had formerly complained, took a more decided form, and he saw agencies for the duke

<sup>s</sup> S. P. O. 'Exeter, 1st April 1625.'

which belonged of right to his vice-admiralty assumed and discharged by others. Upon his remonstrance, explanations and denials ensued ; and shortly afterwards, in the two-months interval before the writs went out for parliament, Eliot was certainly absent from the west on some foreign employment or pretext connected with the preparations for the war.

I am now able to show, also from letters preserved in the state-paper office, some detail of what this intrigue had been which Bagg was carrying on against him.

On March 21, 1624-25, somewhat less than a month after we have seen Eliot complaining to Buckingham of interferences with his due execution of his office, I discover that Mr. Bagg was addressing from London a letter to 'my lord the Duke of Buckingham 'his grace, lord high-admiral of England, my very good lord and 'master,' to the effect that he thought it a fault any longer to keep from him a document which he enclosed, and which would show him that his, Bagg's, service during the last twelve months in the western parts, had brought to his lordship's coffers better than twelve hundred pounds. It agreed not with his duty, Bagg went on to say, to be tedious with his grace in words or long lines ; and he would now therefore only remind his grace of his 'favourable promise 'concerning the collection of his tenths in Devon and Cornwall.' Though this was not necessarily a part of the duties of a vice-admiral, it was one which he ordinarily discharged, and Bagg reveals by the subsequent part of his letter the entire drift of his petition. After observing that he should recommend his grace, in any future grant of warrants of market, to provide at the same time a receiver for the dues ('which,' he slyly interposes, 'trusted in me, shall not 'only be profitable to you but make me great in your grace's esteem 'for an honest man'), he goes on to say : 'I doubt not, if you order 'your vice-admiral's service according to what is fit for them to do, 'which after my way I have formed in some lines enclosed, but you 'will have better accounts made to your lordship hereafter.' He then winds up by saying that he is going into the west immediately, that he desires his grace's commands, that he humbly prays he may return as the duke's collector, and that he hopes to live to see the day when by that way he shall fill his grace's coffers, and so be known his grace's '*best accounting*' and most humble servant.<sup>6</sup>

\* S. P. O. James Bagg 'to my lord the Duke of Buckingham his grace, 'lord high-admiral of England, my very good lord and master, this at 'court, London, 21st March 1624.'

To what extent all this had been influencing Buckingham may be inferred from the fact that Bagg went into the west with a commission for victualling the ships at Plymouth to the amount of ten-thousand pounds, and for superseding the usual functions of the vice-admirals in pressing seamen for the service. From this time he is the duke's most active, confidential, unquestioning, and entirely devoted servant in those parts; '*his slave*,' as he delights to subscribe himself; and what immediately followed shows the object of all he now aimed at. Before the close of the year he was knighted, and made vice-admiral of Cornwall; and as soon as pretence could be found for sequestering Eliot's patent, he received half the profits of the Devon vice-admiralty.

But this picture of what the man at present was, and was intriguing for, requires for its completion some knowledge of what, within ten years from the present time, became notorious respecting him. Those ten years, which witnessed nothing but disgraces and humiliations in our naval history, were the time of Bagg's most active employment as director of the naval administration in the western harbours; and the extent of his responsibility in transactions which had almost driven the poor of those seaports into rebellion, was unexpectedly revealed by two actions in the star-chamber. A partner in his knaveries for whom he had actually obtained a peerage, Lord Mohun, filed a bill charging him with having received 55,000*l.* to provide victuals for the king's ships, with having embezzled the greater part of it to himself, with having incurred debts in the king's name which he compounded to the grievance of the people, and with having provisioned the ships with victuals of such vile quality that they had killed four thousand of the king's subjects. Frightful as were these charges, Mohun was held substantially to have proved them; yet Bagg was in some mysterious way exempted from the penalties.

But then came a second bill against him, of which it could not be alleged, as of the other, that plaintiff and defendant were rogues together, and it was hard to choose betwixt them. The plaintiff in this case was a young simpleton of fortune, Sir Anthony Pell, who had some fair claims on the treasury which he

wished to move my lord Portland to consider, and his charge against Bagg was for having defrauded him of sundry large sums under pretence of paying them as bribes to the earl, to induce him to favour Pell. Bagg's impudent defence in effect was that he *had* bribed the lord-treasurer, who had flung over both Pell and himself. The cause excited extraordinary interest; and Laud's speech upon it in the chamber having been preserved, we have archiepiscopal authority for repeating that Bagg was a rascal. Laud pronounces him, over and over again, fraudulent and criminal; compares him to a highwayman; and contrasts his 'ingenuity' with the simplicity of Sir Anthony.

'Look,' says the archbishop, at the close of his censure, 'look but upon and see the many letters he writ, "James Bagg, your most real friend! Your business will be better done if you leave it to your friend "James Bagg!" Here is his hand against his oath, and his oath against his hand. He was a most base fellow to say "your most real friend," and to serve Sir Anthony as he did. I have now done with that bottomless Bagg and my censure, leaving my lord of Portland to do what he thinketh fit against him.'

The reader will observe with what surprising nicety of truth Laud hits-off the man as just revealed to us in the letter intriguing against Eliot. *Your business will be better done if you leave it to James Bagg!* But a portion of the story remains to be told, to which few even of Bagg's contemporaries had the clue, and which will first be made fully manifest by the subsequent course of this narrative. Laud pronounced for Bagg's conviction in a heavy fine; but of the eighteen who voted in the case, nine supported that view and nine were against it, and the fine was only carried by the lord-keeper's casting vote. No one could doubt that extraordinary influences had been at work for Bagg, but no one was prepared for what followed. At the opening of December 1635, Garrard thus writes to Lord Wentworth:

'In my last, of the middle of November, I gave you an account of Sir James Bagg's business, censured in the star-chamber. It pleased since his majesty to show him extraordinary favours. For, the Monday following the censure, the king sent his prohibition to the lord-keeper that the sentence should not be drawn up, nor entered against him, nor no warrant

<sup>7</sup> See Laud's *Works* (1857), vi. 29-33; and *Rushworth*, ii. 302-313.

should be awarded forth to imprison him. Some have endeavoured with his majesty to take off these prohibitions, upon good grounds of reason, and the practice of the court; alleging further the insolvency of Bagg's carriage since his censure, his open coming abroad, his feasting, for which even his friends condemn him. *Yet nothing is altered; he is still at liberty; neither is the sentence entered.*'

Not until this narrative is closed; not until it is seen how Bagg was used by Buckingham to dog the heels of Eliot with perjury and falsehood; not until the revelation is complete which shows the complicity of the king with the duke, and of both with this vile instrument, in a happily-unsuccessful conspiracy against Eliot's character and honour; will the reader fully understand the hold that, after Buckingham's death, Bagg kept upon the king, and which even Laud can only imperfectly have known.<sup>8</sup> Enough meanwhile has here been said to illustrate and strengthen the many self-revelations which Bagg will supply to these pages. One has been given in his letter before departing for the west, six days before the old king's death. Another awaits us which he dispatched from Plymouth three weeks after that event.

It will be remembered that in the interval Eliot addressed Buckingham for the last time. His letter was dated on the first of April, and Bagg wrote on the eighteenth to his 'very good 'lord and master.' His pen never seems able to prostrate itself sufficiently, and this effusion begins as with a salute to an eastern potentate:

'Most great and gracious sir, the joys of all happiness prayed for

\* With all his natural desire to screen Lord Portland, Laud would hardly have done as he did if the king's confidence on this point had been extended to him. That court-influence had been used to run the division in the star-chambers so close, is clear; but no one acquainted with Charles's character, with his strange reticences upon many subjects from men whom he otherwise trusted most, and with the way in which, after Buckingham's death, he played-off one minister against another by half confidences

entire concealments, will need any explanation why in this case (especially when the imputation against the lord-treasurer is also remembered) should have been left to his 'censure' without a previous warning. Though the archbishop afterwards himself wrote about the case, he cautiously abstains from repeating any plaintiff in it, either absolving Portland or further denouncing thony Pell, wh.

‘with comfort to attend you. My pen in service reports unto your ‘lordship the occurrences in the west.’ Among other things he then informs him that ‘Taylor,<sup>9</sup> Gondomar’s servant,’ had set sail from Plymouth in a barque of twenty tons on the last day of March, not then acquainted with the death of his late most blessed majesty ; and that his grace may rest assured he will ‘lay wait’ for all the news the Spanish coast can give, and will report it to his grace as he receives it. But the gist of his letter is its reference to the press for seamen. ‘I have,’ he writes, ‘with the assistance of such commissioners as much honoured your grace, dispatched the press for Devon for three-hundred and fifty men, and the most part of the Cornish number for two-hundred more, so as the best men shall attend his majesty’s service ; and the Newfoundlanders are gone with a prosperous fair wind, and as much eased as his majesty’s service would admit. Sir John Eliot is displeased he was not solely employed, and therefore could not be invited to assist.’ To which succeeds the everlasting Bagg beseechment of his grace not to credit if he hears any misreport, for that man doth not live that hath done, and shall perform, his lordship’s commands with more spirit, faith, honesty, diligence, and care than Bagg ; who begs pardon for his boldness, humbly kisses his lord and master’s hand, and lives most honoured whilst he is his grace’s faithful servant.<sup>10</sup>

And thus were my lord duke’s especial affairs in the west transferred gradually into fit and congenial keeping. Though Eliot was still, and continued for a considerable time longer to be, in the service of the state, and vice-admiral of Devon, it is no longer, when occasion arises, with the lord-admiral that he holds intercourse, but with Mr. Secretary Conway. One personal interview more, on which much will be seen to turn, and the paths of Eliot and Buckingham will have diverged for ever. To the despotic minister of the new reign there will then be

\* Mr. Taylor was English interpreter at the Spanish embassy, serving Nicholaldie as he had served Gondomar ; and many references to him will be found in the *Strafford Despatches*.

<sup>10</sup> S.P.O. 18th of April 1625. I may add, in confirmation of what has been said as to the misconduct of this man, and those large defalcations to the crown from the consequences of which Charles was so ready to screen his favourite’s shameless instrument, that in the Royalist Composition papers (mss.) after the restoration deposited in the state-paper office (‘Re Sir James Bagg’s son, George Bagg’), it is stated that there was one debt of 22,500*l.* 15*s.* 5*d.* and another of 1480*l.* due to the late king by Sir James Bagg.

only left,—in one who had been the companion of his youth, and ready in maturer life faithfully to serve him,—an assailant inexpressibly formidable, and, by sheer force of eloquence and courage, wielding a power over men more absolute and far more lasting than his own.

## BOOK FIFTH.

### FIRST PARLIAMENT OF CHARLES THE FIRST; AT WESTMINSTER.

1625. ÆT. 33.

- i. 'Negotium Posterorum.' ii. Opening of the Session. iii. Rules and Orders of the House. iv. Grievances and Religion. v. Wentworth's Election for Yorkshire. vi. Supply. vii. Eliot's final Interview with Buckingham. viii. Last two Days at Westminster.

#### I. '*Negotium Posterorum.*' ÆT. 33.

A PERIOD of Eliot's life has now arrived where guidance happily is vouchsafed to us unattended by any misgiving. Among the papers at Port Eliot in his handwriting, and of which he is the author, exists a memoir of the first parliament of Charles the First.

That this manuscript, possessing great historical importance and an unrivalled personal interest, should have failed to attract any kind of notice for more than two centuries, which have yet been filled with a vivid interest for the subject it relates to, and with inquirers eager for any scrap of authentic information concerning it, is one of those accidents not unfrequently attending old family papers. Its appearance is not inviting; it is on the face of it a fragment, or intended portion of a larger work; and it bears a Latin title, of which the meaning is not immediately perceived. But upon examination it is found to be in itself complete; to contain a narrative of every incident and debate in the lower house during its two sittings at Westminster and Oxford; and to include, besides admirable summaries of the



leading speeches, reports of every speech delivered by Eliot himself.<sup>1</sup>

The object with which it was composed declares itself beyond any question. It was designed to stand as portion of a work that should relate for other generations the parliamentary labours and struggles in which Eliot and his friends had been engaged. Its plan would doubtless have embraced the parliaments of James in which he sat, as well as those in which he took part under Charles; and the unfinished state in which the manuscript reaches us might have suggested its date, even if internal proofs did not determine it positively. At the close of the first stormy session of the great parliament of 1628, during the recess when Buckingham was murdered and Wentworth went over to the court, it appears to have been begun; though not likely to have been brought into the state in which we find it until the author's later imprisonment. It probably then assumed the double character—of a memorial of the struggles by which the ancient liberty had been reasserted, and of a monument to the sufferings undergone in performance of that duty.<sup>2</sup> The design was interrupted by death; and it cannot even with certainty be said how far it had proceeded. It is quite possible that this 'second' part, as it is called, comprises all that was ever written, as undoubtedly it is all now remaining at Port Eliot; though the fact of many books and manuscripts having been lost or destroyed when the mansion was repaired forty years ago, leaves it doubtful whether some of the patriot's papers may not also then have perished. More cannot be known; but in what has survived we have the record, not insufficient however incomplete, of the opening scenes of one of the grandest

<sup>1</sup> As if to clear all doubt, other copies of the same speeches, many of them in greater detail (and notably one respecting Sir Thomas Wentworth), set down in Eliot's handwriting at the date of their delivery, and with his name affixed as the speaker, exist also among the Port Eliot MSS.

<sup>2</sup> I have since found a detached paper in Eliot's hand, recording his reasons for undertaking to 'tell the story of the English parliament from 'the close of Elizabeth's reign,' which is so far confirmatory of my text as to justify me in leaving it unaltered. This paper will be described in its proper place, between the first and second session of the third parliament.

conflicts in which the men of one generation ever engaged, to secure the happiness and freedom of generations that were to follow.

In the very title given to his manuscript by Eliot that idea appears. Not for ourselves we did these things, made these sacrifices, underwent these toils and sufferings; but for you. It was not our own business we were then transacting, but yours—*Negotium Posterorum*.

Under the various sections that follow in the present and succeeding book of Eliot's life an unreserved use will be made of these remarkable papers. Upon careful consideration it seemed best so to employ them, with silent elucidation and enlargement when such might be required; rather than to print them merely as they stand, at the risk of the reader's confusion, or, at the best, of his very imperfect understanding of them. In every instance in which an opinion is expressed, or a judgment passed, by Eliot, his exact words are quoted. Wherever incidents new to history are described, his authority is given. Where speeches are cited exclusively from his abstracts or reports, the fact is noted. Every allusion borrowed from him with any personal bearing, is carefully assigned to him. All the characteristic features of what he had thus collected for posterity are in effect minutely preserved; and even the order of the several subjects as they arose on successive days is followed, though each is completed and kept apart. The reader may rely with perfect confidence on the scrupulous precision and accuracy with which all that is essential in this remarkable manuscript will thus be laid before him; and his interest in the scenes it opens to him will perhaps be more vividly awakened, if brief mention is here prefixed of the nature and variety of the subjects treated in the course of it, and of the importance of its disclosures.

It bears remarkable evidence to the state of feeling at Charles's accession, and to the eager loyalty with which the new reign was welcomed by the men soon to be its bitterest opponents. Nor less curious and attractive are its sketches of leading orators on both sides, whether ministers and privy-councillors, or their adversaries; divines who talked, it is said, like lawyers, or lawyers who spoke with the gravity of divines.

Eliot sketches almost every speaker who presents himself. He explains to us why Rudyard, in spite of his ornate and laboured preparation, had yet a respectful hearing from all; and what it was that gave superior life to the oratory of Philips, redundant though it was, and with defects of manner in delivery, but always ready and spirited, suited to the occasion as it arose, and not laboured or premeditated. The house of commons two-hundred and fifty years ago was in these respects what the house still is; and Eliot's remark that 'in that place, always, premeditation is 'an error,' might have been written yesterday. So, of the dry comment he makes upon the break-down of a crack orator from Cambridge, when the gentleman 'found that the cold rhetoric 'of the schools was not that moving eloquence which does 'affect a parliament,' is it not precisely what would now be said?

It was to be expected that one who sacrificed so much to uphold parliamentary privileges should have noted with interest their growth within the house, their recognition beyond it, and their effect in promoting order, and inspiring respect, by a settled procedure. On all these points Eliot speaks with peculiar knowledge. He defines the respective relations of the two houses; details the rules whereby not alone their joint proceedings were regulated, but the independent authority of each maintained; explains the reasons that dictated what too often inconsiderately were styled mere causeless jealousies; and with manifest pride dilates upon the right which at last had been achieved by the commons, of determining within their own walls everything relating to their own elections. In especial, there is one disputed return that affords him subject for a striking narrative in which he and Wentworth are the principal actors; and where not only a flood of light is thrown on their respective positions in the house, but the character of Wentworth receives vivid illustration. At the very moment when he stands at the turning-point of his life, a sagacious observer sees both his weakness and his strength; and, as well in the power that raised as in the pride that ruined him, reveals to us the future Earl of Strafford. Such, and so memorable, is Eliot's notice of the petition preferred by Savile against Wentworth's election for

Yorkshire, written immediately upon Wentworth's going over to the court after the first session of the third parliament.

Worthy of remark also is the conspicuous prominence given in this memoir by Eliot, not only to the earnestness of his own religious belief, but to the peculiar views he held upon the connection of politics with religion. He speaks of the readiness of the house to take fire upon questions in which religion was involved, as of a weakness in which he does not himself share : but he points out, at the same time, how rare were the cases in which the religious questions then prominent did not include also considerations that statesmen could not overlook ; and he shows what a danger to the state was implied in the almost general relaxation of the penal laws against popery. The course taken in both sittings as to the high-church champion Montagu, only half-told hitherto, he tells at length ; he shows how much the subject was embittered in the Oxford session by the claim to screen that offender as the king's chaplain which would equally have protected from all censure every servant of the king ; and the intrigues of Bishop Laud against Archbishop Abbot receive from him fresh illustration.

The charges most often, and with most show of reason, brought against the first parliament of Charles the First have turned upon the alleged niggardliness with which, during a war to which the preceding parliament had been a strong consenting party, they doled-out supplies that it had never been usual, even in time of peace, to stint at the opening of a reign ; and, above all, upon the affront offered to the young sovereign by the proposed limitation to one year of the grant of tonnage and poundage which his predecessors had enjoyed for life. So much, it has been always said, was this resented at the time, that the lords refused even to entertain the bill.

As to this last charge, it will be seen that Eliot puts the matter in a new light. The bill when first introduced renewed the grant for life, but it was not laid on the table until nearly three-fourths of the members, believing that all matters of supply had been voted, and alarmed by the advancing ravages of the plague, had quitted London for their country houses. Several questions then arose as to the new book of rates, and as to ir-

regularities in collection ; which, in the absence from the house of the principal lawyers, led of necessity to the proposed limitation, not as a permanent but as a temporary measure. Every supposed right of the monarch was at the same time carefully protected ; and so far were the lords from refusing to entertain, that they had actually passed, the bill, when the royal assent to it was refused.

Not less remarkable is Eliot's narrative of the debates on supply in the sittings both at Westminster and Oxford. Now began the disputes which culminated in 1640 ; and, upon whichever side the first fault lay, there rested, it has been always justly felt, a grave responsibility. Eliot's vindication of the parliament upon this point is triumphantly complete. The story is gradually told, pursuing each day's sitting at Westminster, from the first grant of supply, not unaccompanied by remonstrance on the misuse of former supplies, but yet freely given and accepted as freely ; through a series of subsequent intrigues by Buckingham to compass his own private designs, in despite even of the more independent of the king's council. For the first time in history a sufficient explanation is afforded of the extraordinary unpopularity of this first and only minister that Charles ever really confided in. Buckingham at the outset, for reasons of his own, connected partly with his previous pledges to some of the popular leaders, but more directly arising from the uses to which already he contemplated applying the great fleet preparing for sea, had manifestly resolved to break with the parliament at whatever cost. Most clearly is this established, and it is a fact of the last importance. Buckingham's conduct on any other supposition would be utterly incredible. He permitted the king to accept graciously a money-vote, which was not illiberal or insufficient ; he suffered three-fourths of the members, under the belief that all the important business was over, to quit London ; and from the few that remained he sought to wrest an additional vote, by a statement and message compromising the king, submitted by an officer of his own. So dismayed indeed were some of the other ministers at his interference to disturb the settlement of what they could not but admit to be, a fair vote of supply, that they resorted to the extreme measure of

attempting to exert influence over him by means of one who had formerly enjoyed his confidence, and who, though now prominent among the leaders of the country party, had not been mixed-up with the secret understandings of the last parliament. This curious incident marks definitively the close of Eliot's personal intercourse with Buckingham.

At the special request of the chancellor of the duchy Sir Humphrey May, the vice-admiral went to the duke; and, though he failed to turn him from his purpose, the record of their interview completes a piece of secret history remarkable as any upon record. It proves that Buckingham's design, expressed in almost so many words to Eliot, was to obtain excuse for a rupture with the commons; and no doubt can further rest, after reading it, upon either the character of the former intercourse of the duke and his vice-admiral, or the circumstances of their final separation. They never met again until they met as accuser and accused; and if anything of servility or dependence had entered into their preceding relations, Eliot could neither have spoken as he did at his ex-friend's impeachment, nor have written of his sycophants and flatterers as he does in the memoir. In his own private chamber as in the lords' house his tone is the same. He holds ever to Buckingham the same front of self-respect, reliant and independent.

By the failure to bend the favourite from his purpose, and the resolve of the house notwithstanding to adhere to theirs, the Westminster session was brought abruptly to its close; but it will be seen that while the commons had succeeded in passing the supply-bill in its original state, they were utterly unprepared, upon going up to the lords on the day of adjournment, for the announcement that there awaited them. That was Buckingham's retort to the affront he had received. They desired a recess that should enable them to stay at their respective homes until the plague had abated something of its virulence; and, by voting what was believed to be sufficient for the immediate wants of the state, they had entitled themselves to so much consideration. But, to the dismay of all who were present at the adjournment, they were told that they must meet again in little more than a fortnight, and at a place where already it was

known that the plague had shown itself. From that hour no man of the country party in this parliament doubted what the favourite had in view, or believed that any good understanding with him was for the future even possible.

Brief as the interval of the fortnight was, some noticeable incidents occurred therein ; and it will be seen how nearly they concerned Eliot, and what effect they had in determining his position of unrelenting antagonism to his former friend. In this portion of the memoir, as in that where he relates his un-availing intercession with Buckingham, he speaks of himself in direct terms as the vice-admiral of Devon ; and what he states as his official experience of the ill-working of the commission which together with the lord-admiral then administered the affairs of the navy, is an important contribution to our knowledge of these matters.

The proceedings of the Oxford session are reviewed in even greater detail than those of the sitting at Westminster ; and the interest deepens as the narrative goes on. Each day adds to the growing discontent, until at last the measure overflows. The members meet amid fears and suspicions, strong though silent ; but before they separate, these have taken the form of expressed distrust and all but open defiance. History acts itself over again before us, and, connected with its leading incidents, we have its secret causes. The disasters of the reign have had no such practical comment as Eliot's picture of its opening scenes will afford. It is not that we are listening to the statements or arguments of a partisan and actor in the strife ; but that, by a rare and unexpected privilege, the curtain of the past is uplifted for us, and we see and hear what was said and done on either side at the critical moment which was to decide the position of both. The pains which Eliot takes to set forth the steady and increasing march of discontent against one, are not more marked or remarkable than his manifest wish to do justice, inclusive of that principal offender, to all. These portions of his memoir contain sketches of some of the speeches delivered, as well by ministers as their opponents, which even in this compendious form exhibit a transcendent merit. In especial, besides his own speeches, there will be found speeches by Sir Francis Seymour

and Sir Robert Philips, and one reply by Sir Humphrey May, that seem to me to take rank with the highest examples of eloquence in this great time.

Enough has been said, however, to indicate the character and general contents of the manuscript from which the present and next following book of this biography will be found to derive such value and interest as they possess. To name here more especially the eloquence thus preserved of which we have no other record, the speakers described to whose peculiarities no witness else has spoken, and the incidents that receive an explanation until now withheld, would be to anticipate what will appear in its proper place, in all needful detail. It is to be regretted that the narrative should close where it does, but its value does not stop at that point of time. By the clue it gives, and the light it affords us, we shall find our way more clearly through some later events and occurrences. Nor, after the story of this parliament is told, when, upon that sudden and angry dissolution which no one more than Clarendon has deplored, the country is seen breaking itself up into two parties opposed indeed to each other but neither of them zealous for the king, could Eliot by any elaboration of eloquence better have expressed the state of men's minds and purposes than by the brief but pregnant sentences which close his narrative.

‘Those that were fearful did incline to some accommodation and respect. Those that were resolute, and had hearts answerable to their heads, insisted on their grievances.’

## II. *Opening of the Session.* ÆT. 33.

The death of James had been followed generally by a sense of extraordinary relief. The security that is full of fear, because founded on the degenerate vices born of ‘a long-corrupted peace,’ with him had passed away. Men arose as if from a dream. The appeal of the leaders of the two last parliaments had reached them, and with it the expectation, that, as the power which sought to silence them was now for ever silent, the country might resume its place at the head of the protestantism of the world.



A new spirit of life, says Eliot, possessed all men ; as if the old genius of the kingdom, having with Endymion slept an age, were now awake again, and a successor to their great queen at last was come. Nor were such expectations lowered by what imperfectly was known of the character of Charles the First. His religious practice and devotions had given him a reputation for piety ; and, as well by his having resisted the temptations of Spain, as by ' his public professions being from thence returned,' joy and hope gathered about his person. What, through all the darkness and misery of his fatal government has yet been accepted as probable by modern inquirers, his contemporaries were eager to welcome, and more than ready to believe. Many were moved, says Eliot, by what seemed to be the innate sweetness of his nature ; the calm habit and composition of his mind ; his exact government while prince in the economy and order of his house, in the rule of his affairs, and in the disposition of his servants ; whereby his honour had been maintained, yet no thrift neglected. Nor less had he been decorous in his care for public business, in apparent study to improve his knowledge in the state by diligent attendance at councils, and in selection of his modes of recreation. But above all, his conduct in the Spanish business had coupled expectation with his name. The dissolution of the treaties was in effect his. To him practically was due ' the untying ' of those knots, the cutting of those Gordian yokes.' If the old national wisdom and prowess were to revive ; if the memory was to be lost of later sufferings and shame ; if the end had come to what so long had impoverished and lowered England, consuming at once her honour and her treasure ; his would be the glory. In confirmation of which hopes of a happier future, Eliot adds, ' as that which ' was to be the assurance of them all, and of whatever else might ' import the happiness of the kingdom,' there went forth writs for a parliament.

Such emulation for service in the commons had not been seen till then. Several elections were hotly contested, and many favourites of the court beaten : but the latter were supposed to belong to the system of which the new reign was expected to be the close, and candidates most opposed upon the hustings yet rivalled each other in proffered service to their young king. ' The members chosen,' says Eliot, ' forthwith repaired to London, to make their attendance ' at the time ; no man would be wanting ; love and ambition gave ' them wings ; he that was first seemed happiest ; zeal and affection ' did so work, as even the circumstance of being first was thought an ' advantage in the duty.'

Such is the remarkable language (itself an ample refutation

of the reproaches in which Hume and his followers have largely indulged), used at the opening of this reign by the man who was destined to be its most illustrious victim. Some change was to be wrought, however, even in the brief interval before the new parliament. Two prorogations delayed the meeting, first to the close of May, and then to the middle of June; after which, formal adjournments made further delay, to admit of the king's arrival with his young queen from Canterbury, whither he had gone to meet her. At last, on Saturday the 18th of June, while increasing ravages of the plague were saddening London, and the splendour of the new Roman-catholic alliance was already overshadowed by rumoured concessions made to the religion of the bride, Eliot found himself standing near the throne of the lords, with a crowd of his colleagues from the lower house, listening to Charles's first speech to parliament. They saw the young queen herself as they entered; and, 'in a place below the corner of the seats,' the French king's kinsman Chevereuse and his duchess, who had accompanied her to England.

Many more familiar faces Eliot must also have seen, as he looked around. Bedfordshire had sent up Sir Oliver Luke, and from Launceston and Liskeard had come Bevil Grenville and William Coryton. Mr. Hampden of Great Hampden had been returned for Wendover, Sir Robert Cotton for Thetford, Sir Edward Giles for Totness, William Strode for Plympton, and Richard Knightley for the county of Northampton. The men who chiefly had led the last two parliaments were also here; Philips for Somersetshire, Wentworth for Yorkshire, Coke for Norfolk, Pym for Tavistock, Sir Dudley Digges for Tewkesbury, Seymour for Wiltshire, Sandys for Penryn, Glanville for Plymouth, Rudyard for Portsmouth, and Edward Alford for Beverly. The northern men had mustered stronger than usual. Wentworth and Fairfax had beaten the Saviles in Yorkshire, not fairly, it was alleged; but Mallory sat safely for Ripon, Wandesforde for Richmond, Radcliffe for Lancaster, Vane for Carlisle, Fenwick and Brandling for Northumberland, Anderson for Newcastle, Lowther for Westmoreland, the two Hothams for Appleby and Beverly, Hutton and Slingsby for Knaresborough, Beaumont and Jackson for Pontefract, Ingram for York, Bel-

lasis for Thirsk, and Selby for Berwick. Some capable men there were to represent the king's council, too ; as indeed sore was the need that there should be. Weston, chancellor of the exchequer, sat for Kellington ; Edmundes, treasurer of the household, for Oxford University ; Naunton, master of the wards, for Cambridge ; Heath, solicitor-general, for East Grinstead ; and Sir Humphrey May, chancellor of the duchy, for Lancaster. Of these the ablest was the last. In early life, May had served in Ireland under the Earl of Devonshire ; and his experience of public affairs, at a time when men of capacity directed them, had rendered him somewhat impatient of the incapacity of Buckingham. He would hardly at this time have been retained in the council, but for the fact of his being almost the only man there who could oppose to the popular leaders an eloquence only inferior to their own.

To counteract this better influence, however, the favourite had provided himself with an especial instrument ; possessing no brilliance of talent, and yet rather bookish and clerkly than of especial aptitude for business ; formerly secretary to Sir Fulke Greville but to whom the lord admiral had lately given one of the commissionerships for the admiralty ; and whom he now designed to put forth, though with no official responsibility, and in the illness and absence of Sir Albert Morton, as a substitute state-secretary for the lower house. This was Sir John Cooke, of whose fortunes here was the beginning ; returned for the borough of St. Germans much to the dislike of Eliot, who nevertheless had been able to make his local influence so far felt as to compel Cooke in turn, quite as much to the favourite's dislike, to accept for his colleague Sir Henry Marten, with whom, since the old Marshalsea days, the vice-admiral had improved his friendly intercourse. They would seem to have been gradually drawn together by a common experience of the defects of Buckingham's character ; and it was this growing dissatisfaction on Marten's part with the conduct of public affairs which had impelled him, while still holding place as judge of the admiralty, to seek now for the first time a seat in the commons.

There, for the first time also, had been returned three men from his own county whom Eliot would perhaps have regarded

with greater interest, if he could have suspected how closely, and on whose behalf, they were likely to be watching him. These were Mr. Drake, member for Lyme; Mr. James Bagg, member for East Loo; and Mr. John Mohun, member for Grampound.

The royal speech was short, Charles opening it by referring to the physical defect that indisposed him to any long address. He assumed that they were all ready to carry out what their predecessors in the last parliament had begun. He knew their zeal and affection to religion, and that matchless fidelity to their king which was the ancient honour of the nation. The lord-keeper would explain to them further. His own natural disability to speak held good correspondence with the time. That being designed for action, discourse would not fit therewith.

We did not dislike either the sense or shortness of this expression, says Eliot. 'Wearied with the long orations of king James, 'that did inherit but the wind,' this brevity and plainness drew a great applause. Likier to truth than art, it fell in with the opinion those country gentlemen of England still dared to cherish, that with the manners of their ancestors they might resume their fortunes, and in that turn and revolution of events 'meet the old world again.'

From the lord-keeper's paraphrase of the royal text, however, there dropped a note of discord. After highly ornamental exordium, and intimation that their new sovereign had work in hand whereby Europe would be stirred as the Pool of Bethesda by the angel, he told them that the Mansfeldt army, and the fitting-out a navy that might be called invincible, had swallowed up all the money voted in last parliament, and now their business would be to give, without sticking too much to precedents. If they found the usual way too slack, they were not to fear, in an occasion of such consequence, to resort to others more fit. All were subventions that they granted, nor could that be unparliamentary which was resolved by parliament. At this remark of the too clever bishop immediate murmurs of dissent were heard. To suffer it to pass unchallenged would have been to place at the disposal of the hour rights that had been acquired through centuries; to make the servants of the parliament its masters; and to send both houses adrift, without rudder or compass, upon the rocks and breakers that surrounded them. As they crowded back to their own chamber for election of a speaker, the commons' leaders doubtfully exchanged these thoughts.

They were somewhat reassured when one of the privy-councillors rose and suggested serjeant Crewe for the chair. He was

the younger brother of the honest chief-justice, and he had served the office in the preceding parliament; an office theretofore too frequently filled, Eliot remarks, by 'nullities,' men selected for mere court convenience. On the other hand, their privileges might be counted safe in keeping of a man whose eloquence had nobly guarded them when in danger.

Nature and art, says Eliot, concurred to make him equal to his place. He was a great master of the law; in his studies religion had so shared, as to win for him special reputation; and his life and practice answered to both. Most apt also to the employment he sustained was his elocution. On all occasions of the time he could express himself 'pulchrè et ornate,' even as Quintilian conceives the perfect orator, 'pro dignitate rerum, ad utilitatem temporum, cum voluptate audientium.'

His election over, with what Eliot calls its formalities of 'pretended unwillingness in him, and importunity in us, with much art and rhetoric on both sides, usual more than necessary,' they returned to the lords' house; and, in the old constitutional form, Crewe asked the king for immunity to themselves and their servants eundo et redeundo, freedom from arrest, continued access to the royal presence, and free speech according to their ancient privilege. Frankly, in proffering this petition, the speaker advised the young sovereign that in comparison of a parliamentary way he would find all other courses to be out of the way; told him that his imperial diadem shone all the brighter, in that it was enamelled and compassed with a beautiful border of the ancient and fundamental laws; and gravely counselled him to have it in perpetual remembrance, that those fundamental laws were what held the body of the commonwealth together, and that, *being suitable to the nature of the people, they were safest for the sovereign.* Again through his lord-keeper, and more graciously, the sovereign replied.<sup>1</sup> He called the subjects of their petition the four corner-stones of that noble building, their house, and granted them all without any limitation more than their own moderation should impose.

The remark made by Eliot, in contrasting the styles of the respective speakers on the occasion, ought not to be omitted. There was most of the divine, he says, in the lawyer; and most of the law-like in the divine. The bishop displayed a study and affectation both in his composition and delivery, which the serjeant declined, seeming thereby more natural, and not less eloquent. In both were

<sup>1</sup> 'The interim was little,' says Eliot's ms; 'yet a while he seemed to study the recollection of some notes he then had taken.'

to be remarked oratorical brilliancy and ornaments; but in the one flaring forth without relief, and in the other harmonised by shadow and repose. 'Both had their *igniculi sententiarum* and *flosculi ingeniorum*: but by the bishop they were rendered to all satiety and fullness, as beauty set to sale; whereas the other made them like stars shining in the night, *admirabili quadam illuminatione, sed umbram habens et recessum*.'

In concluding this portion of his paper, Eliot again observes upon the resentment provoked by the lord-keeper's 'insinuation to new ways, under the fallacy put forth that all that is done by parliament is parliamentary;' contrasting it with another of his phrases that had been better liked, wherein he had termed their privileges the corner-stones of the house: and with a mournful significance he adds, that that latter expression seemed at first to carry promise, but soon was blighted. 'States, as divines, use glosses on their texts. But, for the instant, satisfaction was pretended; and both houses thereupon prepared them to their business.'

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Having presented this picture of the opening of Charles's first parliament, as viewed by one of the leaders of the lower house while yet the hope of agreement had not abandoned either side, it is now necessary to place beside it what history has since disclosed, of events then only partially known to their contemporaries, and of which the full revelation brought on speedily the storms and troubles of the session. Eliot marks the doubts that had arisen, between the issue of the writs and the assembling of the members; but, as all his subsequent narrative tends to show, they went, even at first, deeper than he has above related.

Notwithstanding the breaking-out of the plague, Charles had been eager to get parliament together. But this, which Eliot and his friends took for so fair an omen, had no better motive than the consciousness that his chance for most money was to ask before certain inevitable disclosures were made. He would have summoned the parliament of the preceding reign without delay of a new election; but, on his lawyers telling him that a parliament dies with a king, he directed writs to issue for the 17th May, ten days after his father's funeral.

Of the excitement at the elections there can be no question, though it may be doubtful whether this was not caused, as Eliot

states, as much by the eagerness to serve under a new king as by the desire to oppose abettors of the old policy. Conway, now principal secretary by Calvert's retirement, and raised to the peerage not many days before James died, was fain to congratulate himself on his escape, in that serene elevation, from the troublesome necessity of facing the people. In Middlesex the comptroller was defeated; and Sir Edwin Sandys<sup>2</sup> lost Kent because of the rumour that he was to be made secretary in Calvert's place, though the office had been given to Sir Albert Morton. Eliot offered again for Newport, and was returned with a new colleague, Mr. Ralph Specot. But even in the month's interval between the day when the writs were returned, and the day of the parliament's assembling, there had occurred enough to destroy far greater grounds of confidence than any to which possible pretence could in this case be made, as from a new parliament to an untried king.

The French match had brought with it much unpopularity. The marriage to a Roman-catholic princess was bad enough, after all that had passed in the previous reign; but it was found to have been accompanied by secret concessions to popery, which violated every solemn pledge given but a few months before; and so much of Lord Bristol's case was become matter of common rumour as revealed the deceptions practised by the king and Buckingham. The concessions to the faith repugnant to the English people had been also fitly accompanied by disfavour to the opinions they most ardently cherished. Eight days only had passed after the death of James when Laud went to Buckingham with a paper he had been directed to prepare.

'I exhibited a schedule, in which were wrote the names of many churchmen, marked with the letters O and P. The duke of Buckingham had commanded to digest their names in that method, that, as himself said, he might deliver them to king Charles.'

The orthodox, or those who held church-doctrines savouring most of popery, were alone now to be promoted; the Puritan,

<sup>2</sup> Sir Edwin, one of the greatest speakers in James's parliaments, became treasurer to the undertakers of the Western Plantations, and died in 1629. He took little part in public affairs after James's death. Six of his sons sided with the parliament in the civil war.

or all who were in favour of simpler worship and most opposed to Rome, were in future to be persecuted : and thus began the system of which the effects were so appalling to its authors.

Though the whole of this was not known at the opening, or during the first sitting, of parliament, sufficient had even by that time oozed out to throw changes of vexation, as we shall see, on what Eliot has so forcibly described as the eager welcome from the people to their new sovereign. Already, when he went to open parliament that day, those fresh and natural springs of confidence had been poisoned. In his very progress, sounds of the same distrust had reached him which was soon to scatter seeds of disaffection everywhere, and to plant bitter thorns in the crown that as yet he had scarcely assumed. Nor, though the royal speech was plain and brief, as Eliot celebrates it, were he and his colleagues more disposed, a very few days later, to think it other than churlish and ungraceful, when, by the light of the discoveries they had then made, they read over again its blunt avowal that parliament had drawn him into a war and parliament must find him means to maintain it.

Upon that war, though not yet formally declared, the extent to which the court had committed itself was then made only too obvious by disclosure of the measures adopted to facilitate the raising of troops, and to hasten equipment of the fleet. Martial law was found to have been proclaimed in districts occupied by troops and seamen ; and there had been a levy of coat and conduct money by the king's sole authority, upon engagement to the counties for reimbursement from the exchequer. Not only had the condition been violated on which alone a further supply was to be granted, but the money given had been scandalously wasted. To much that was formerly complained of, much had been added ; and more than ever, notwithstanding royal engagements solemnly entered into during the last sitting, were all offices and favours of state, and the application of all moneys and revenues of the crown, intrusted irresponsibly to one man. Popish divines, disqualified by Abbot, had been reinstated in power ; penal laws had been suspended secretly ; special pardons for offences against those laws had been granted to many Roman-catholic priests ; and the very shames and re-



sentments had again been actively aroused, which were to have been scattered for ever by the war with popish Spain.

Not yet, however, was this entirely revealed. Eliot's description of the proceedings of the sitting at Westminster will be found strictly confined to what passed in that interval; while the disclosure of much of this misgovernment, not fully known till the subsequent sitting at Oxford, was only as yet in progress. But it will be seen how speedily the suspicions that had arisen were confirmed; in what a deliberate intention on Buckingham's part the disagreement with parliament began; and that the course ultimately taken by the commons arose from no preconcerted plan of ungenerous opposition to an untried sovereign, as frequently has been alleged, but from gradual discovery of a design on the part of the court involving danger to the government and to religious freedom.

Before narrating, from Eliot's papers, the way in which these discoveries were made, and the results that followed, it will be well to describe the position assumed by the lord-keeper, which had some important consequences. The wily bishop was now playing a private and somewhat bold game. He knew enough of the secret councils to see the danger Buckingham was in; and with what alacrity of sinking he was likely to fall, when once the descent should begin, from what Clarendon calls 'the greatest height of popular estimation that any person had ascended to,' down to the lowest depths of reproach. He had moreover the wit to see that if the present favours to bishop Laud continued, his own further chances were gone for ever. The communication therefore with 'the dangerous men of the house of commons,' 'the chief sticklers,' as he called the principal parliamentary men, which formerly he had opened in Buckingham's interest, it had now occurred to him to try for his own; and it is clear, from the nature of the revelations made by his friend and biographer, that his plan was to play-off most of the more influential men against the others, to get such of their plans against Buckingham as he might use.

2 Sir Bacon either for or against him, and, according as he came treasurer or chamberlain of the king, either to establish himself upon in 1629. He ruined, or, by saving him, to prefer such a claim of his sons side.

for favour to himself as would give him the advantage over Laud. The course of the intrigue, its incidental unseemly quarrels, and its result, will shortly be seen. Two of the chief persons meant to be involved were Eliot and Wentworth.

Hacket has described their relations at the outset of the parliamentary struggle. 'Sir John Eliot of the West, and Sir Thomas Wentworth of the North, both in the prime of their age and wits, both conspicuous for able speakers, clashed so often in the house, and cudgelled one another with such strong contradictions, that it grew from an emulation between them to an enmity.' The good bishop-biographer might have expressed himself more simply. The dislike between the men was of less gradual or far-fetched growth; having declared itself, with reasons perfectly intelligible, while the parliament still sat at Westminster. This will have illustration in its proper place; and here it is only necessary to add, before resuming a narrative to which extraordinary interest will be given by Eliot's descriptions of what passed within his own observation, that the position of antagonism to Buckingham into which that favourite's personal dislike, seconded by Williams's intrigue, had for a time forced Wentworth, appears for a time to have held Eliot also doubtful as to his own course. The lord-admiral continued to be chief of the department in which he was himself a high officer, and they were still in the habit of intercourse, though the old confidences and compliances had certainly ceased. The relation once held by Eliot to Buckingham was now borne by sycophants and flatterers; but the duke had not openly broken the bond between them, and Eliot could not be the first to break it. It is to be added that his dislikes, and Wentworth's partialities, to Spain, put ever a wide distinction between them as to public policy. Eliot approved of the war, only desiring that the enemy should be openly declared; and, while protesting against the misuse and waste of what already had been granted, he would have voted, under better security for their application, all needful further supplies. At the very outset of the session, it will be seen, this brought him into disagreement with Wentworth: but a graver conflict between them was to follow.

III. *Rules and Orders of the House.* ET. 33.

The tone adopted by Eliot, even before closing his description of the opening-day of parliament, shows how quickly hope was to give way to disappointment. Only two days later, and the reply to the speaker's address had confirmed the evil omen. They must not, they were told, be impatient in the matter of jesuits, priests, and recusants ; but must leave it wholly to his majesty's direction, for matter, manner, and time. They accepted the untimely assurance as a warning to protect themselves. It was clear that the ill-cemented league of the last session had fallen asunder, and that men were again ranging themselves on opposite sides, preparing for conflict.

The parliamentary leaders had no call to shrink from the issue likely to be raised, or from the duty it presented to them. The popular struggle with the court had now continued unceasingly for more than twenty years ; and though the commons had gained little in the way of formal enactment, there had been gains of another kind which made the struggle less unequal. By their success over James in the matter of impositions ; by their defeat of the assumed prerogative to bind the subject by a proclamation, and to levy customs at the outports ; and by their reliefs to trade in overthrowing monopolies ; they had drawn their constituents closer to them, and made their influence sensibly felt in the daily life of the people. But above all, they were now themselves better equipped for battle. They had, after long and arduous struggle, achieved the exclusive right of determining their own contested elections, and were at last supreme in their own affairs. They had compelled the admission of their claim to debate freely all public matters. They had solemnly protested against any member's responsibility except to the house for words spoken within it ; and they had won back the awful right of impeachment against ministers of the crown. Whatever remained to be done, these things made it easier to do ; and in a daily-increasing energy in the nation itself they saw their own strength reflected, and knew that the confidence they felt had its root in the sympathy of the people.

The methods of procedure now established in the commons' house comprised already much that all the historians suppose had no existence before the parliament of 1640, and in themselves are evidence of a settled consciousness of power, and of a knowledge of the means of sustaining it, in every respect remarkable. In considering them the fact is never to be lost sight of, that none of the opportunities for direct communication with the people which existed even a century later, existed then ; that, upon their own rules and orders, and internal management of their affairs, rested not merely the hope of support from friends without their walls, but the sole chance of protection against treachery within them ; and that, in what has been far too readily assumed to be jealousy or tyranny, they seldom or never exceeded what was barely necessary to maintain for them an independent existence in the state.

The first thing done on the assembling of a new parliament was appointment of a committee for privileges ; precedence belonging of necessity to that on which their very being depended. To this, which was a standing committee, were referred all acts reflecting against, or tending to impeach, the rights of the commons ; whereupon, examinations and evidence being taken, reports were made to the house for needful prevention and punishment. The grand business of this committee in a new parliament was determination of election disputes. All doubtful returns were referred to it ; and most jealously did it guard the invaluable privilege, won at so much cost and pains, of determining the rights of membership within their own walls.

But besides the committee of privileges, it had now become the custom to appoint, ever, at the opening of a parliament, three grand committees, also permanent and standing, for religion, grievances, and courts of justice. The whole house sat in these committees, the speaker only quitting his chair ; and they had their weekly days assigned to them. They took general cognisance of all matters under those several heads, examined all complaints, and had power to send for all persons and records. The corruptions and injustices of courts, exactions by their ministers, oppressions of the people, abuses and enormities in the church, were brought before them respectively ; 'and these,' Eliot remarks, 'they discuss and handle for the knowledge of the facts ; and if they find them faulty, worthy a public judgment, thence they are reported to the house, which thereupon proceeds to censure and determine them.'

In the same paper Eliot refers to the procedure in private committees, which he describes as transient, and selected of some few proportionable to the cause, but as having in their sphere and compass an equal power and interest with committees of the whole house. He explains the course taken as to the first and second reading of bills, in terms that show how faithfully the traditions of this great time were continued through the later years. The first reading, he says, was only formal: a bill being seldom or never then spoken to, unless on points of rejection and denial; and on these rarely, if there were colour for the intention, even though there might be imperfections in the draught. But at the second reading all objections came in. Then were particulars, both of the form and matter, argued and debated; and thereupon it passed to commitment, where, by answer and reply, the discussion might be freer in the counterchange of reason and opinion. 'This latter,' continues Eliot, 'is not admittable in the house, where, to avoid contestation and disorder, which replies and contradictions might induce, and to preserve the gravity, no man may speak in one day, and to no one business, above once; though he would change opinion, which in committees is allowable. And therefore, upon the second reading of bills, they have such reference and commitment; that, there, they may the more punctually be considered, and so come to the exacter reformation and amendment. In general, all committees are for preparation and dispatch: the judgment and conclusion is the house's. To facilitate that court in the multiplicity of her labours, these are the Argus and Briareus. The committees are the sentinels upon all affairs and interests: dissolving the difficulties, which their greatness or numbers do impart.' And closely connected with them, it will be seen, and with the powers or duties they represented or enforced, were the grounds first taken for conflict in this first of Charles's parliaments.

But before I proceed to describe these, such other few notices from Eliot's papers may be added as will further show into what a settled system the lower house had already thrown its forms of procedure, and its laws for its own government. They derive additional interest from establishing an earlier date than is fixed in *Hatsell* for some of the rules most identified with modern parliamentary practice.

With extraordinary jealousy the commons watched any interference by the sovereign, or the other house, tending to limit their right of self-adjourning. This will more fully appear from incidents to be named in their proper place. The rules prevailing at

conferences, the right of the lords to appoint place and time, and that of the commons to appear always by double the specified number of the lords, which had been very ancient, were now reaffirmed. The distinctions between the house with its speaker and mace, and committees of the house without that formality, were now not less eagerly contended for than during the trial of Strafford in later time. No man could lawfully sit under the age of twenty-one; though it would seem, from a remark by Sir Edward Coke, that many by connivance did so sit, who must, if questioned, have been turned out. Unless a man were present at prayers, his place could not be kept. Unless forty were assembled in the house, the speaker could not take his chair. If a bill had been rejected, no second bill of the same substance could in the same session be introduced.

'Great is their gravity in all things,' exclaims Eliot; 'and to avoid confusion and disturbance, on no occasion, at no time, is it lawful for a man, in one day, to speak to one business above once; though his opinion altered, though his reason should be changed, more than in suffrage with the general vote at last, when the question is resolved by a single yea or no.'

So in regard to other rules for security of order and decorum. All were bound to be silent when the speaker should offer to speak. Matters formerly claimed by the house, such as the decision for choice of members rising together to speak, were now first referred to the speaker's arbitrament.

'No personal touches,' continues Eliot, 'are admitted in any argument or dispute. No cavils or exceptions, nor any member to be named. Nor, where there is contrariety or dissent, may there be mention of the persons but by periphrasis and description. All bitterness is excluded from their dialect, all words of scandal and aspersion. No man may be interrupted in his speech but for transgression of that rule, or breach of some other order of the house (as, for the intermixing of their business, when one matter is on foot, to stir another before the decision of the former, which in no case is allowable). In all other things the privilege holds throughout. The business, as the person, has that freedom to pass quietly to the end. No disparity or odds makes a difference in that course. He that does first stand up, has the first liberty to be heard. The meanest burgess has as much favour as the best knight or councillor; all sitting in one capacity of commoners, and in the like relation to their countries.<sup>1</sup> If two rise up at once, the speaker does determine it. He that his eye saw first, has the precedence given: so as no distaste or exception can be taken, either for the order or the speech.'

With characteristic pride in what above all things he valued and was ready to sacrifice all things to keep inviolate, Eliot adds

<sup>1</sup> 'Countries' was then used for 'counties.'

his reason for so naming what might seem to be inconsiderable things. 'I name these,' he says, 'for the honour of that house. ' Nowhere more gravity can be found than is represented in that ' senate. No court has more civility in itself, nor a face of more ' dignity towards strangers. Nowhere more equal justice can be ' found, nor yet, perhaps, more wisdom.'

#### IV. *Grievances and Religion.* ET. 33.

Hardly had the committee for privileges been moved (one act only preceding it 'to express the devotion of the house, expecting all blessings from above'), when a petition was handed in against Sir Thomas Wentworth's return for Yorkshire. The party complaining was Sir John Savile. His and Wentworth's contestation in the country, Eliot remarks, had been great,

' as their former emulation in that place; nor wanted they a reputation good in either, nor merit, if well exercised, to support it. I mention here but that particular of Wentworth, because the whole business turned on him; his colleague in the service being but passive in the work, and so involved with Wentworth, as what was accidental to the one was necessarily contingent to the other for the quality and merit of their cause; the same virtue and the same fortune being to both.'

The petition being referred, and the house proceeding to the usual formal arrangements for settling its order of business, a startling proposition was quite unexpectedly made by Mr. Mal-lory, one of the northern men. These men, it should be observed, who during the last two parliaments had for the most part followed Wentworth's lead, formed a kind of special party in the house; deriving unusual importance not more from the extent and wealth of the districts represented by them, than because of the various, fluctuating, popular grievances that had nowhere such pungent expression as among those busy manufacturing communities. To the general surprise, what the northern members now proposed was

' to decline the whole proceedings of that meeting, and to petition for an adjournment. The reason pretended,' Eliot continues, 'was the sickness, which had a great infection and increase: but most men did suppose *that* but the colour and pretext, and something more within it, which jealousy the sequel did confirm.'

In plain words, this sudden proposal had for its object the hope of some ultimate evasion of the Yorkshire-election inquiry, by interposing present delays; and this being seen, several of the county members joined the privy-councillors in resisting it. The reason urged by the latter was the absolute necessity of present supply; to which Wentworth himself, or as Eliot calls him, 'the elect of York-shire,' did not scruple to make answer that for his part he should oppose any further grants to his majesty until full account were rendered of the subsidies and fifteenths formerly given, 'saying that 'was more necessary than to require new aids.' Eliot thereupon replied to him, in the interest, as he said, of the country itself. He was for having due account of the old subsidies rendered, and hoped for satisfaction in that particular; but he held also, looking at the dissolution of the treaties and preparation of the fleet, that the new demand might be necessary. And supposing this to be the case, who would weigh the danger from the sickness, how great soever, against the danger of not providing against an enemy? He further held that any present adjournment would be contrary to the order of the house itself, which in giving direction for a public fast had publicly implied a resolution to continue its sitting. Nor did he hesitate to add other reasons drawn from the circumstances of the new reign. He dwelt upon the consideration due to that first meeting with the king: 'the expectation great upon it, the reputation of 'much importance that should follow it; and this, with the other 'reasons, finally so swayed the sense of the house, as, though new 'names were used to turn it, seeking only an alteration of the place 'not of the time and business, yet the motion was rejected as im-'proper, and by some held ominous and portentous.'

This difficulty over, however, another took its place. Ready acceptance having been given to Eliot's plea for consideration to the new reign, several of the court speakers, backed also by some of the popular men, now reproduced the same circumstance as a reason why, at this special parliament, the committee for grievances should not be moved at all. A debate followed, remarkable not only in itself but for the widely-differing motives that animated even those that took the line of opposing the committee.

'Divers oppositions it received,' says Eliot, 'for divers interests and respects, public and private, wherein contraries did meet. Some did dislike it for accident and circumstance, others simply and absolutely for itself. That it might have reflection on their errors who were conscious of a guilt, made these last averse. Others thought it not seasonable, and would, for the more certain punishment of the offenders, have had their cause reserved. Others were in real apprehension of the sickness. Some had in contemplation the new entrance of the king, whose reign had not



afforded opportunity for oppression, and should not therefore be dishonoured with expression of complaint. Others remembered the old grievances exhibited to king James in his last parliament; and advised only to petition, then, for answer thereunto.'

For this last-named course old Sir Edward Coke was the leading advocate; but his speech having elicited from Wentworth the decisive avowal that nothing should content him but their proceeding *more majorum* as to grievances and all things else, Eliot promptly interposed with the remark that, whether or not the grievances' committee were specially moved, the objects for which it sat could not be forborne without forbearing also the first duty of a parliament, which was to redress grievances; and though the dislikes expressed might be obviated by naming a special committee to regulate the business of the house, to whom should be referred the duty of apportioning the public and private matters to be entertained, it would simply be reaching the same end by another road. He might have regretted, but he made no attempt to conceal, that here his sympathy was with Wentworth.

At this stage of the debate Sir Benjamin Rudyard rose. Such, as already remarked, was his position between the two parties, that when he interfered at any critical division or dissension, he was supposed not to do it without a special purpose and design. He now rose to counsel moderation, and gave many reasons, drawn from the character and claims of the young sovereign, why they should fall upon such things only as were necessary, clear, and of dispatch; and that those businesses which had in them perplexity, difficulty, or asperity, might, if the house were not pleased altogether to omit them, yet be touched only by way of claim or grievance, and so be remitted to the next session, when they would have fitter opportunity and better leisure to debate them.

Eliot describes the effect of this speech, and says that for a time it certainly reduced to temper the affection that was stirred. But whatever effect it might or was intended to have produced was completely destroyed by what fell, immediately afterwards, from a speaker of a different order. Mr. Pym unexpectedly asked, what, in the event of the committee for grievances being dispensed with for the present, they proposed to do as to the committee for religion? Was that to be postponed also? Then, taking advantage of the agitation his question awakened, he urged the great danger and necessity upon the practice of the jesuits, the 'insinuation' of the priests, the exercise of the mass in despite if not in derision of the laws, and the confidence and increase of papists thereupon. Which plague and infection of the soul was far more to be feared than all the plagues or infections of the body.

There was no getting rid of either committee after this. The debate was carried at once into ground inaccessible to arrangement or compromise. Describing what ensued, Eliot supplies us with an invaluable comment on the entire course of this unhappy reign; acutely discriminating what it is the common practice to confound, and showing what success might have attended a statesman in the interest of the court whom a like discrimination had guided to the real temper of the people.

'It is observable in the house of commons,' Eliot remarks, 'as their whole story gives it, that wherever that mention does break forth of the fears or dangers in religion and the increase of popery, their affections are much stirred; and whatever is obnoxious in the state, it then is reckoned as an incident to that. For so it followed upon the agitation of this motion. First the danger of religion was observed in some general notes of prejudice; then by induction it was proved in the enumeration of particulars; and to that was urged the infelicities of the kingdom since this disease came in. This then had aggravation by a synecrisis and comparison with the days of queen Elizabeth; whereto were added the new grievances and oppressions, wholly inferred and raised since the connivance with the papists. The monopolies that had been, the impositions that then were: all were reduced to *this*. Which I mention but to show the apprehension in the point, and the affection of that house in matter of religion.'

This passage is in every way remarkable. While it exhibits strongly that leaning of the commons to passionate resentments in questions of religion by which it is always sought to extenuate the conduct of their opponents, it shows yet more strongly the reasons on which the resentments were based. In effect it disposes of the charge of fanaticism so often brought against the leaders of Charles's parliaments. Religion was not then a thing apart from politics. What Pym declared to be the danger to a state involved in such beliefs as those of the Romish church, took a form even more odious in those who hankered after popery in the English church. There had been no attempt of the ministers of the reformed communion to bring back the superstition and revive the tyranny of Rome, which had not also marked some corresponding decline in the government of the state, or malpractice in the ministers of the crown. 'The infelicities of the kingdom since that disease came in,' was the answer to those councillors who would have maintained the king's right with his bishops to judge of doctrine and discipline as a thing apart from his claim to so many subsidies. No, said

the leaders of the commons, we cannot deliver to the judgment of men what we believe to be the ordinance of God. His grievance only has visited us in the precise degree wherein we have tampered with the purity of the teaching delivered to us in the leading writings; and His blessing has attended us so long as with the deplored what we believed to be the true faith. War proceeding no countenance, therefore, extended to what we hold Eliot promptly and before we proceed to vote the king's supply 'grievances' committed that a disposition exists to remedy just what sat could not of a parliament, likes expressed matters of religion.

The subject was resumed on the following day to regulate the interference of both houses on the petition for the fast the duty of aptook occasion to speak. The reason which influenced, it would tells us, was the consideration he desired to impart. He might have house at that early stage, that the existing laws are his sympathy for the maintenance of religion in the unity and ard rose. Such establishment, provided some check were interposed parties, that continual remission of those laws; and his speech, besides being was remarkable in this respect, displays his statesmanlike manner of regarding questions of that nature, and the objects of government he most desired to promote by upholding the interdependence and inseparability of politics and religion.

Let not his majesty's councillors believe, said Eliot, that the matters then brought forward were intended for interruption to pressing affairs of state. It was the state which had deepest interest in them. Religion was the touchstone of all actions, and the trial by which they were known. It was that upon which all policy, all wisdom, all excellence, must be grounded; and what rested not on that centre could have no perfection or assurance. For what the power of man was without God, or what without religion might be expected from His favour, his own words and stories did sufficiently declare. Religion only it was that fortified all policy, that crowned all wisdom. That was the grace of excellence, the glory of power.

'Sir,' continued Eliot, 'the strength of all government is religion; for though policy may secure a kingdom against foreigners (and so I pray God this kingdom may always stand secure), and wisdom may provide all necessaries for the rule and government at home; yet if religion season not the affections of the people, the danger is as much in our own Achitophels, as from Moab and all the armies of Philistines. Religion it is that keeps the subject in obedience, as being taught by God to honour

T, vicegerents. *A religando* it is called, as the common obligation among debate; the tie of all friendship and society; the bond of all office and re- or cor-; writing every duty in the conscience, the strictest of all laws. in the excellency and necessity hereof the heathens knew that knew true religion; and therefore, in their politics, they had it always for axiom. A shame it were for us to be therein less intelligent than they. and show, if we truly know it, we cannot but be affectionate in this case. Two interest of th are considerable therein; the purity and the unity thereof: the real temper of respecting only God, the other both God and man. For where there on in religion, there are distractions among men. For the purity on, in this place I need not speak; seeing how beautiful the me- of our fathers are therein made by their endeavours. For the wish posterity might say we had preserved for them that which to us.

It is observ whole story give fears or danger are much stirre- oned as an incic motion. First words of noble and solemn import, which, if then received of prejudice; thir true signification by those whom more especially they ticulars; and to sed, would have given a quite different issue to this reign. disease came in. h being what their fathers had risked everything to win, how grievances and op they proceeded Eliot, in regard to continuance? It was idle ance with the pe they that this unity, purchased by so much sacrifice, had been that then w-ay that this unity, purchased by so much sacrifice, had been broken. But, a disease once entered, though it were past preven- tion, must have cure; and, as the danger or infection became greater, the greater care and diligence must oppose it.

‘What divisions,’ he exclaimed, ‘what factions, nay what fractions in religion, this kingdom does now suffer, I need not recapitulate. What divisions, what transactions, what alienations have been made, no man can be ignorant. Blessed be the hand that has delivered us. Blessed this day that gives us hope, wherein the danger and infection may be stayed. For without present remedy the disease will scarce be curable; and to effect it the cause must first be sought from whence the sickness springs. That will be best found in the survey of the laws. Certainly it lies in the laws, or in the manner of their execution. Either there is some defect or imperfection in the laws; or their life, the execution of them, is remitted. For if the laws be perfect, how can division enter but by a breach of them? if the execution be observed, how can the laws be broken? Therefore in this does rest the cause, and here must be the remedy. To that end, now, my motion shall incline; for a review of the laws, and a special consideration as to their present inefficacy. If the division have got in by imperfection of the laws, I desire they may be amended; if by defect, that they may be supplied; and if (as I most do fear it) through neglect and want of execution, I pray the house to give direction that the power may be enforced with some great mulct and penalty on the ministers, who for that will be more vigilant, and we thereby secure.’

This speech led to an animated discussion on the statutes in force against recusants, and the extent to which they had

been rendered nugatory by privileges and power to the cardinals. Underlying all that was urged in the latter sense, was of God. a strong resentment at the very different measure dealt out to recusants of another class; but no man in this debate spoke of us in the wrongs suffered by the Puritan. He left them to be suggested long as by the significant contrast which incessant favours to the Romish. W<sup>h</sup> n-catholic afforded. That in themselves the laws against popery were sufficient, as Eliot asserted, no one took upon him to deny; but so inoperative were they by frequent evasions, that the trust had lost estimation and respect.

Four such modes of practising on the law itself, <sup>day,</sup> <sup>if ('*fraus legi*, or 'cosenage of the statute'), and four others of escaping <sup>W<sup>h</sup> the law by</sup> practising on the king's prerogative ('*fraus contra legem*, or <sup>the</sup> <sup>age of his majesty for what the law allowed him'), were particularly alleged and described. These were, under the first head, by delinquents obtaining such favour with great men at court that not only were informers intimidated from moving against them, but the very delinquents, papists, priests, and jesuits, were able actually to procure informations against themselves, which they had thus the power either to press or stop. By the same favour they were further permitted so frequently to change places and names, as to render public indictments next to impossible; and, in the rare case of indictments actually preferred, they were assisted to remove them by 'certioraries' from their respective counties, so as to leave almost every case without a prosecutor. Under the second head it was shown that for the like purpose the king's authority had been freely used. All sufficient levy of forfeitures had been prevented by the removal of goods into privileged places; by the granting of the forfeitures to those about the sovereign who intended not punishment but favour; by letters of prohibition giving stay to proceedings; and by direct royal pardons too frequently granted, 'not only to recusants but to jesuits.'</sup></sup>

Such, at the opening of Charles's reign, while the laws against puritan dissent were pressed with eager severity, was the condition of the laws to which the great bulk of the nation in those days looked for their only safeguard against Rome. The picture will startle many whom the statements of writers otherwise disposed have familiarised with opposite views; who have quoted the statute-book to show how harsh were its provisions; who have condemned this parliament for desiring to

exaggerate what it was the duty of the council to keep within stricter limit ; and who have ascribed the disasters of Charles's later parliaments to the intemperance that would now have singled out a young king's accession for addition of fresh penalties to a persecution already intolerable. Eliot places the real state of the case entirely beyond question. After giving various instances under the several heads named above, he proceeds :

'All which did hinder the execution of the laws, and rendered them fruitless in that point ; and herein were found the causes of disease and sickness. Examples were cited of all these, to warrant their reasons and opinions, whereof it was thought necessary there should be a true information to the king, and an address and petition to reform them. For a preparation to that work, the clerk was appointed to bring in, at the next sitting, all the petitions of that kind which formerly had been made, but of which the further consideration was reserved.'

This was done accordingly ; and the petitions of the 18th and 21st of James having been read, together with the declaration publicly made in the latter year by the prince upon his deliverance out of Spain, a committee was appointed to frame a new petition and address. Both houses then completed their arrangements for observance of the fast ; and, continues Eliot, 'one church being not capable of both houses, as the lords did take the abbey, we chose the parish church at Westminster, in which our communions were before, and now our first of fasts.'

These things were done in the house during the last days of June ; and as, in even the scanty and imperfect records of the commons' journals, there is a complete blank from the 22d of that month to the 4th of July, the papers by Eliot alone afford us any indication of what was passing. We read them all therefore with a special interest, and among them the first day's proceedings against Richard Montagu.

This reverend doctor, who had obtained his first preferment nine years ago by his triumphant assertion against Selden of the sacred origin of tithes, and who had since, notwithstanding complaints very seriously entertained in James's last parliament against his *New Gag for an Old Goose*, risen steadily in favour, was on the 1st of July reported to the house from the committee of religion as having published a second book under the title of *Appello Cesarem*, of a character yet more objectionable than

the first.<sup>1</sup> Shortly before the old king's death this book had made its appearance, and on the new king's accession its author had been selected for promised promotion. Though not yet one of the royal chaplains, he headed Laud's list under the letter O : his especially orthodox claims being, that in all his writings he had ridiculed the puritans ; that in his last work he had upheld the divine right existing in monarchy ; and that, as well in it and its predecessor as from his pulpit in the protestant church of England, he had taught and preached confession and absolution, the doctrine of the real presence, ordination as one of the sacraments, the use of images and of the sign of the cross, and the efficacy of the saints.

The debate opened with a statement volunteered through one of the members by archbishop Abbot, curious in itself, and decisive of the fatal opposition to moderate councils within the church itself, which, through his influence with Buckingham, Laud had for some years been secretly pressing against Abbot's authority. Upon complaint made of Montagu's first book in James's last parliament, it was now stated that the archbishop had called the author before him ; and, telling him of the troubles he had caused, and what disturbance had grown in the church and in parliament by his book, had given him this advice : 'Be occasion of no more scandal. Go home. Review your book. It may be some things have slipt in, which upon second cogitation you will reform. If anything be said too much, take it away. If anything too little, add unto it. If anything be obscure, explain it. But do not wed yourself to your own opinion ; and remember, we must give account of our ministry to Christ.' With which having dismissed him, he had heard no more of him for several months ; when, going one day to attend the old king in his illness, the archbishop came suddenly upon Montagu, who 'presented him *in cursu*, as it were, his second book ; for which 'being shortly questioned, as the place and time permitted of that boldness and neglect, he made a slight answer and departed.'

The impression produced upon the house by this statement, Eliot informs us, was of a mixed kind. Much wonder there was at Montagu's insolence, that dared so to affront the dignity of the head of the church ; and stranger still many thought the lenity of the archbishop, which had passed unpunished such an indignity to his

<sup>1</sup> The *New Gag* was a title suggested by the papist book, *A Gag for the New Gospel*, which it professed to reply to. The *Appello* was of course an appeal from assailants to his royal patron.

place and person. But Eliot and some few others took a nearer view, and found in it matter for more grave reflection. Those that looked more narrowly, he says, conceived one reason for both; and that Montagu's boldness, and the archbishop's remissness, *were by command*. They turned the discussion off from the personal matter introduced, thanked my lord of Canterbury, and carried a vote that the books themselves should be reported on by the committee for religion.

Six days later that report was made; the vote of subsidies and the petition for religion having both, in the brief interval, been sent up to the lords. A sharp necessity for promptitude had arisen. The plague was increasing upon them. By this 7th of July, Eliot tells us, it had risen to a great infection and mortality. 'No part of the air did stand free. Divers fell dead down in the streets. All companies and places were suspected. All men were willing to remove; and they of the parliament were eager to shorten and expedite their business.' The petition for religion had gone up to the lords on the 4th. A committee of both houses carried it next day to the king; and on the 6th a partial answer had been vouchsafed, the complete answer being reserved until the houses should reassemble. Unhappily it was such that 'the hope and expectation which was held, from thenceforth did decline;' and on the day following, Montagu stood at the bar of the commons.

In reply to their questions he confirmed the archbishop's statement, but declared that he had acted in conformity with the wish of king James. His majesty's warrant had authorised his first book; and when the primate sent for him, the king left it to his own choice whether or not he should attend the summons. His second book, he went on to say, had the like warrant; and his majesty had indeed declared with an oath, upon view of the opinions therein, that if that were to be a papist, he was himself a papist. He concluded by referring the house to the work itself, which bore opposite to its title the printed approval of the king's censor, doctor White.

This confession of Montagu's was, in Eliot's opinion, more confident than ingenuous. He means that the accused had told only a portion of the truth; making the old king his scapegoat, and keeping back his real supporters. His former powerful patron being dead, Eliot remarks, it could not be imagined he should now assume that boldness of himself; and they were living and not less powerful patrons with whom the house would have to deal. He points at Laud.

After Montagu had left the bar, a warm debate ensued in which the leading members, including most of the privy-councillors, took part. The latter urged strongly their dissent, upon one point, from



those who had been most active in the case. Without doubting that there might be large matters of exception to the doctrine in Montagu's books, they yet held that 'for the dispute of *them*, as no 'fit subject for the parliament, the wisdom of the commons should 'decline.' Others, not going so far, would yet have had all innovations of doctrine reserved for another kind of censure, upon which the house might act ultimately with greater confidence. Eliot leant to that view, but at the same time pointed out what appeared to him to require immediate censure. This man had done his best to disturb the state, both as to church and government. He had accused well-affected subjects of the desire for anarchy. He had acted in derogation of parliament, and in contempt of its privilege and jurisdiction. Being under complaint there for his first book, he published the second in maintenance of the first, whose opponents he had therein calumniated. Pym dwelt with yet greater force upon this argument. Between the king and his good subjects Montagu had sown jealousies, and had declared the puritans to be a potent prevailing *faction* in the kingdom. By way of irony and scorn he had termed their most pious divines 'faint-seeming, bible-bearing, 'and hypocritical;' their churches, 'conventicles;' and their preaching, 'prating.' Calvin, Perkins, Reynolds, and Whitaker, he had sneered at and slighted; while he had affirmed the church of Rome to be the spouse of Christ. What otherwise could be designed thereby but sedition and disturbance to the state? Would they have a fire kindled here, as in the Low Countries by Arminius? If not, let them prefer against the author of these books a charge to be transmitted to the lords; and let him meanwhile be committed for contempt to the commons, with directions to remain in custody of their serjeant.

Vehement resistance was made to this by the court party. They took first the ground, that an existing parliament had not such cognisance of any preceding parliament as to make offences to the latter questionable, much less punishable, in the former; and upon this being overruled, they again strongly urged that matter of dogma and doctrine was not subject to parliamentary jurisdiction. But here also the majority went against them. Those articles being opposed which parliament had enacted, was it not the duty of parliament to maintain them? This however was less the ground held than that of the tendency of Montagu's teaching to such disturbance of the peace of the state, as well as of the unity and tranquillity of the church, as Fleta and other constitutional authorities had pronounced to be eminently of civil concern, and within the province of the secular court and magistrate. In the end, Montagu was brought back to the bar, and there, kneeling, received censure as having

been guilty of a great contempt, and was committed to the custody of the serjeant of the house.

At this point a very significant remark is made by Eliot. 'Some,' he says, not naming them, immediately before Montagu was sent for, suggested that the house might do well for its own honour to pause a little, and consider further before ordering that man's commitment; lest, contrary to their meaning, it should prove not a punishment, but preferment. The suggestion at the time was made light of, but the time was very shortly to arrive when its wisdom became manifest. Before the house adjourned Montagu was made king's chaplain, and released from custody, though not from his bond. No prophets were they that had given the caution, says Eliot. No revelation had been vouchsafed to them. They were simply men who had taken more accurate measure than their fellows of the counsels and counsellors predominant with the new king; and who had been able, from careful observation of the meridian of the state, to cast thus early its disposition. The latter he proceeds to put in a formula of words expressive of the entire tragedy of Charles Stuart's reign. *'To make men the most obnoxious most secure, and those that were most hateful to the public to be most honoured and esteemed.'*

But before the brief interval is passed when Montagu will reappear, and that truth be more fully known, the two subjects that were to occupy the house up to the time of its adjournment call our attention away. Upon the Yorkshire-election dispute, and upon the course taken in matter of supply, Eliot has that to say which none of the histories have said, and as interesting as it is important.

#### V. Wentworth's Election for Yorkshire. *ÆT.* 33.

The disputed election for Yorkshire was almost the repetition of a similar dispute in the parliament of 1620. Sir John Savile, who was beaten in that year, had again seated himself and his son for the county during the popular agitations of 1623 amid which the last parliament of James assembled; but for

the second time, in the present year, young Wentworth had managed to defeat that powerful interest. It was with the help indeed of another Yorkshireman, Sir Thomas Fairfax of Denton, that at this election of 1625 he had carried Yorkshire against his rivals ; but in 1620 he had forced in as his colleague a non-resident in the county, Sir George Calvert, the king's secretary of state ; and though Savile's petition against the return failed, the impression left by the inquiry had been of a character to attract increased attention to any revival of charges such as Savile formerly had made, and had in fact greatly contributed to the return of himself and his son in the next following parliament.

And now Savile had challenged his old antagonist again. The sharpness of the expected struggle had declared itself on the first day's meeting in the attempt of the northern men, by forcing an adjournment, to evade the inquiry altogether. This having failed, the resource left was to interpose all delays permitted by the forms of the house, or suggested by the course of the proceedings ; and with what success this was practised, as well as the bitterness it provoked, Eliot strikingly describes. From the first day of the sitting, he says, up to the 5th of July, the matter had been in continual agitation. It was not merely that in the committee it led to incessant examinations and debates, but that several reports and motions upon it were made in the house, insomuch that the ordinary business in both had been greatly disturbed. Almost all the members shared in the excitement, and took one side or the other. On either side (if such a thing, interposes Eliot, might be imagined in the integrity of that court) the power and influence of the respective antagonists drew numbers over as partisans to each. There were also some, himself for instance, who interfered not in affection to the parties, but in dislike of the practices that had been used ; and so sharply from every quarter were the arguments pressed, that it became impossible to keep them within the limits of the questions raised. These were repeatedly abandoned for sallies of personal invective. Great distastes and bitterness in consequence arose, and a fierce spirit took possession of almost every one. Such is Eliot's statement generally, in his

manuscript memoir, as to the tone and character of the debates on the Yorkshire election.

Their place however is not here, but in the life of the man to whose character and career they contribute such striking illustration. Here may be retained only sufficient to show the part taken in them by Eliot, and the personal encounter with Wentworth into which they threw him at last.

Savile's case, supported by a petition from a hundred and fifty of the freeholders of the county, briefly was, that, upon the day of the election at York, he had a majority of the voters on his side, and that he had duly, within the proper time, demanded a poll; that the sheriff, being altogether in Wentworth's interest, 'wholly 'Wentworth's,' had with much difficulty and manifest reluctance been brought to grant this; that whilst it continued he took measures to exclude, from the polling-place in the Castle-yard, all freeholders who had not been present at the reading of the writ; and that, after about thirty-five had polled, when he saw that the greater chances were for Savile, he made an excuse for abandoning the poll, and took upon him to decide by view for the return of Wentworth. To this, Wentworth's reply was brief and curt denial of every statement made. But supposing there were any truth in what was pretended, he conceived that he was not under any obligation himself to repel those charges. They did not concern him, but the sheriff, who would doubtless be sent for. At the same time, since the inquiry touched his seat, he and his colleagues would have claim to be heard by counsel, and for time to bring up witnesses if necessary; and the house would remember that the distance was great, and the time must be ample. Very well, said the house in effect. The sheriff must come within a fortnight, and you may instruct your counsel.

Nothing, Eliot remarks at this point, could equal the vexation exhibited at the display of so fixed a determination not to drop the inquiry. The spirit continued to show itself that had impelled the first daring attempt to force adjournment of the subject by adjourning the house itself. But it was North against North, he adds significantly; and Savile had the older experience. All the arts that northern policy could invent, therefore, to gain advantage in the carriage, met in the end but their own likeness. The care and diligence that opposed them were no less than theirs, and the craft was more. Savile knew too well those paths of subtlety not himself to follow the hunter on his track; and, being more beaten in the way, he was able in his own trap to ensnare him.

But apart from that game of Yorkshire against Yorkshire, which concerned only Wentworth and Savile, high points of constitutional usage were brought in issue by the sheriff's defence. His account was, that immediately after eight o'clock on the morning of the election, proclamation having been made and the writ read at the usual place, and then, according to custom, the gates having been shut, he took a view of the freeholders who had been present at the reading, such only being in his opinion qualified to vote, and returning announced Wentworth and Fairfax to have double the voices to those for Savile. Upon a poll being demanded, he admitted that he had started some difficulty in granting it, but excused this by reason that the proper hour was past before the demand was made; and, admitting also the subsequent interruption of the poll by his authority, declared this to have been rendered unavoidable wholly by Savile's having brought up unqualified voters and frightened-off those who were qualified. With such general doubt and disbelief, however, did the house receive his account, that the sheriff preferred it as a claim of right, if his statements were disputed, that he should have opportunity to prove them, and additional time for the purpose.

Upon this Eliot interfered. He showed to what these various pleas and pretences for delay tended. Referring to the daily increase of the plague, he reminded the house that any prolonged sitting could not be expected; that more than usual haste and brevity were now unavoidably imposed on all matters in hand; and that already they were under the necessity of contracting, for easier dispatch, many businesses of great importance. For what, then, were the suggestions of further and still further adjournment made in the matter before them; for what, on the first day of their sitting, had been that prodigious motion for adjourning the house itself; but to avoid a decision altogether? If they granted this, it would but bring forth another. Let them not doubt but that it must be so. Such was the corruption of some hearts in the fear of what affected themselves, that for their private humours they were at all times ready to put aside the public interests. He would move, therefore, that the sheriff's statements should be dealt with by the house as they stood, without giving further time for examination of additional witnesses; and he carried this by a majority of 25 to 17.

Wentworth, who according to invariable custom had retired during the discussion, now returned, appealed to the house, and forced on another passionate debate. He declared that he had never sought to delay his cause, and was only desirous to have it heard in a legal manner. He again went over the facts as he alleged them to have occurred, confirming also generally the sheriff's

statement; and he desired the house at once to determine that his case, as now stated, should be either granted him or denied him. If granted, he would claim that his counsel, already conceded by the house, be heard at the bar the following day, to maintain in that state of facts the law to be on his side. If denied, he demanded to prove it by witnesses, a right not refused to any; and time must be given him to bring up those witnesses.

The debate elicited by this appeal (at which permission was given for Wentworth himself to be present, the merits not being in question so much as the manner of procedure) was in several points remarkable, and not the least for the very modified support given to Wentworth by some of the king's council, while others sharply opposed him. Coke liked not the sheriff's answer, but neither did he like to strike the sitting members through the sheriff's side. The matter of fact was not yet clear to him. Sir Francis Seymour was for Wentworth. Sir Edward Giles went strongly against him. Mr. Glanville, 'that pregnant western lawyer,' as Eliot calls him, started a doubt whether the sheriff could be held to have granted a poll at all in the sense of a legal compliance with the demand. The solicitor-general and the chancellor of the duchy both addressed the house with much reserve; but their view practically was, that the hearing of witnesses could not be refused unless the case as stated by the sheriff were admitted. To this Eliot spoke. Contrasting the statements of both parties, he had found nothing in the sheriff's case that met the clear, affirmative, and particular proof alleged on the other side. The fact of the poll being demanded in due time and interrupted by the sheriff, though it might still be altogether doubtful where the majority of voices were, was enough to avoid the election and return made, though it concluded not another. In his opinion, therefore, they might safely pass to judgment. For he held, in effect, that to admit the case of the sheriff, which was Wentworth's case, would not place either of them in a better position; and that any further evidence in proof or disproof was needless.

Hereupon Wentworth rose again vehemently to protest ('but by 'more heard than credited,' Eliot interposes) that he affected not delay in contemplation of himself, but desired only legally to be heard, and that for the honour of the house. What he asked for was the mere common rule of justice. Bringing back the debate to his own case in his own construction of it, he reiterated his demand to have it established by witnesses; and in this was supported by so many northern lawyers who claimed to be heard upon it, that another day had to be set apart for the discussion.

It was opened by Wentworth, who formally stated the grounds on which as of right he preferred his demand; and afterwards, as

the custom always was with members whose personal affairs were in debate, retired: the discussion proceeding in his absence. With great vehemence and eagerness it was maintained for several hours; but the most noticeable feature in it was the more pronounced opinion in Wentworth's favour delivered by the solicitor-general Heath, who separated himself unexpectedly from others of the privy-council. Heath was closely allied to Buckingham, and the line thus taken by him connects itself as well with the part so strongly taken by Eliot on the other side, as with some subsequent overtures to Wentworth himself which will shortly have mention. The solicitor's advocacy however now availed Wentworth little; and the house went finally so dead against the hearing of further witnesses that Wentworth's northern friends, accepting its refusal on that point as in effect its admission that his case was established, very artfully in his absence substituted for the present proposal his own former demand to be heard by counsel upon the facts admitted, to determine what in law they amounted to. Upon this accordingly the division at last was taken, when there appeared for Wentworth, the tellers being his intimate friends Sir Francis Seymour and Christopher Wandesforde, 94; and against him, the tellers being Lord Cavendish and Sir Dudley Digges, 133. Notwithstanding Heath's speech several of the court party had voted with the majority.

Eliot's narrative exists to show what followed this majority, or it might well nigh have seemed incredible. After describing the much opposition created by the proposal as to counsel, the question being of fact, and 'the great contestation it begot, even to the division of the house,' he goes on to say, that, this being overruled and the debate resumed,

'A new interruption it received by a new motion for himself' (Wentworth) 'once more to be heard before they went to judgment. Great labour was for this, and as great care to stop it; intending but delay. Against him was objected the long time he had had from the beginning of the parliament; the often-hearing he received at the committee and in the house, where his whole defence was known; that before he was withdrawn to give way to the debate, as in all such cases it was usual, he had a full liberty to express himself, and his whole apology was heard. Nothing could be added but protraction, which would be a further injury to the house; and therefore was not to be admitted or received. Upon this it was so resolved, and the debate proceeded. When, contrary to the fundamental order of the house, by which no man may be present at the agitation of his own cause, Wentworth came in confidently to his place; and gave occasion to him that was then speaking—'

Eliot was speaking. He was charging the sheriff with having wronged the house by limiting the rights of voters, when

the incident occurred so characteristic of the man whom we now know as Strafford, but who as yet was imperfectly known ; and, what the orator seized occasion to say having been preserved among his papers at Port Eliot, I can complete the narrative of an incident in all respects memorable.

It should be premised, before printing the attack which Eliot now made on Wentworth, that ever since the breaking of the Spanish match and the subjection of king James to Buckingham, Wentworth's opinions and conduct had been undergoing manifest change. Immediately after the dissolution of parliament in 1621, the newswriters described him as having been singled out for a peerage,<sup>1</sup> to which his services to the court in that parliament entitled him ; in the summer of the following year he was offered the controller's office ;<sup>2</sup> and at the close of that year there is evidence of his employment in the old king's special affairs.<sup>3</sup> But in the parliament of 1623 he had taken up the tone of a tribune of the people, and since that date had held aloof from Whitehall. Hence doubtless the opposition from court quarters that had lately displayed itself against him ; but not from any source so unworthy sprang the indignation now expressed by Eliot. At the time when the *Negotium Posteriorum* was written, Wentworth had declared himself once more for the king, after speeches for the popular cause which had placed him in front rank with its defenders ; but here, in this earlier parliament, Eliot spoke without any such experience. He only saw before him, braving parliamentary privilege, the man who most loudly had asserted it in 1623 ; and coupling what was manifest of his power with that observation of his recklessness, the thought not unnaturally arose to Eliot from the reading most familiar to him in Roman story, of men gain-

<sup>1</sup> S. P. O. Chamberlain to Carleton. 'Sir Thomas Wentworth of Yorkshire and Sir Edward Montagu to be made barons.' In another letter he says that his title was to be Viscount Raby. Jan. 19, 1621-22.

<sup>2</sup> Ibid. Chamberlain to Carleton, 13 July 1622.

<sup>3</sup> Ibid. 'Order of Charles Lord Stanhope for post-horses and a guide for Sir Thomas Wentworth repairing to York and back, on the king's 'special affairs.' Dec. 21, 1622. There is also a letter of Conway's to Calvert in the S. P. O. in which he mentions the 'just praise' the king had bestowed on Wentworth, July 5, 1623.



ing their strength in the service of liberty to employ it in attempting her overthrow, and coming into the senate-house to destroy the senate. Whatever we may think now of the justice of his unsparing invective, we cannot but be deeply impressed by the estimate he had thus early formed of the capacity of Wentworth, and of the dark and dangerous issues it might involve.

‘But, Mr. Speaker,’ he said, interrupting his argument against the sheriff’s violation of their rights as he saw Wentworth moving up from the bar, ‘any violation of our rights may be well excused in others when they suffer violation by ourselves. Strangers, persons not members of our house, foreigners, may be pardoned who have ignorance to plead for them, when we suffer, as at this instant, from our own members. No such attempt or action can be so prejudicial as this; and this,’ he continued, confronting Wentworth with a scorn provoked doubtless by his own, ‘done in contempt of us, yea in the height of scorn and injury. If we admit the dishonour of ourselves, how then shall others value us? And if we admit a dishonour by our members, how shall we avoid it in ourselves? I say, sir, a greater dishonour and contempt this house has at no time suffered than what now affronts it here. No abilities, no power, no station can excuse it. To be excluded by a fundamental order of the house so well known to all men, and that so lately urged by him that now does break it; to be debarred on question by a particular act and rule, and yet to intrude against it; what is it less than to bid defiance to your power and a farewell to your privilege? Should I compare it, it could have no parallel but that Roman’s whom Cicero denounced and destroyed. *In senatum venit!* He comes into *this* senate, but with a will to ruin it. How else interpret the intention of that act that would destroy our privilege? But did I say it was a *member* did it? I must retract that error in the place, or be false to the opinion which I have; for, either by the election he pretends or for this act and insolence, I cannot hold him worthy of the name. And so, involving both questions under one, as a full determination of his case, let us from hence expel him.’

‘Yet hear me first,’ cried Wentworth, as, with a general feeling unmistakeably against him, he rose to leave. He spoke briefly, and without interruption. He thought the sheriff had been treated hardly. It was not denied that new men were let into the courtyard after the gates were closed; and how could the sheriff in such case tender them the oath whether they had been present or not at the reading of the writ? Having no power by the statute to administer the oath, he must have incurred a *præmunire*. He would urge them, then, to stay the resolution of the business, being matter of law; and he would pray that it might be referred to a full house. With this Wentworth left; when a leading northern member who represented Newcastle, Sir Henry Anderson, having proposed that

the matter should at least be deferred till next day, the member for Maldon, Sir Henry Mildmay, moved an amendment which was at once carried, and the house proceeded to judgment. Nor was it till this final stage that the greatest authority in the house on election matters interposed decisively, and serjeant Glanville produced a number of cases to show that so many as came in during the polling, whether present or not at the reading of the writ, had right of voices. After this no further question could be made. The demand for the poll being admitted, the interruption was proved to be frivolous, and two resolutions were straightway passed. The first declared that, the case concerning the election of the knights for Yorkshire being admitted, the election of the said knights was not duly made, and a warrant must issue for a new election. The second conceded so much to the powerful and persevering men of the north, as to order that the sheriff should be no further questioned for his part in the affair.

Eliot closes his account in the *Negotium* by anticipating the surprise that might probably be occasioned by his having tra-vailed in the question so elaborately, and in so seemingly small a matter made so particular a relation. But he had done this, and had dwelt upon the incident so largely, because of the light it threw on Wentworth's subsequent career.

'It being the occasion of greater things to come, we thought it not unnecessary the more carefully to express it, that the power and influence may be seen of such small stars and planets, from whence great works, as Tacitus has observed, often receive original.' (More plainly he adds, in words that are filled with meaning :) 'The major part of courtiers in this question banded mainly against Wentworth, *whereof he retained a memory*; and others that for pure reason did oppose him, *he forgot not*. The effect and operation followed after, of the sense he then contracted; which, from that spark, did rise to a great flame and burning.'

When Eliot thus wrote, in the recess before the final sitting of the third parliament, the flame which rose so high against the court had sunk again, and Wentworth was in the service of the king. But the writer's memory still was fresh of the part they had played together in the debates on the petition of right. And though the language of Cicero to Catiline would again intrude itself; though with it also came the image of a triumvir and viceroy of the east whose thirst for aggrandisement extinguished his career of glory, and Eliot had to make bitter allusion to opportunities wasted and genius abused; no contemporary

has written with a stronger desire to do justice to a great intellect, and nothing comparable to his eulogy of Wentworth is on record at so early a part of that statesman's career. He had only been a king's minister for a few months, twelve years having to run before his character and career were finally revealed, when, in a paper designed for posterity and not for his own time, Eliot thus wrote of him. Very worthy of note is it that the close of his career is here prefigured, and the secret of Strafford's ruin as plainly pointed out as the source of Wentworth's power.

'There was in that gentleman a good choice of parts, natural and acquired, and no less opinion of them. A strong eloquence he had, and a comprehension of much reason. His arguments were weighty and acute, and his descriptions exquisite. When he would move his hearers with the apprehension of his sense, he had both *acumina dictorum* and *ictus sententiarum* to affect them. His abilities were great, both in judgment and persuasion; and as great a reputation did attend them. But those many and great virtues, as Livy says of Hannibal, as great vices paralleled. Or rather, they were in him, as Cicero notes in Catiline, *signa virtutum*, forms of virtue only, not the matter; for they seldom were directed to good ends, and when they had that colour, some other secret moved them. His covetousness and ambition were both violent, as were his ways to serve them. *Neque in pecunia, neque in gloria concupiscenda*, as Crassus is rendered by Paterculus, *aut modum novat aut capiebat terminum*. And those affections raised him to so much pride and choler, as any opposition did transport him. Which rendered him less powerful to his adversaries, where the advantage was followed and perceived.'

So dismissing Wentworth most characteristically, but not so the subject altogether, Eliot lingers to extract from it a higher interest than any merely personal. He shows the value towards future elections of the rules which the decision of the house had laid down. These were: that the poll might be demanded at any time between the reading of the writ and eleven o'clock; that no excuse might serve for its interruption; and that all who offered themselves during its continuance, though not present at the reading of the writ, had their votes and suffrage free. 'Which shows the liberty of the commons in the act of such elections, and the great care of parliament to justify and preserve it; in which, yet, no man is compellable to attend.' He mentions also the principle established by two other disputed returns of the session. Sir William Cope, member for the county of Oxford in the 1623 parliament, having been arrested and taken in execution during its prorogation, got his liberty by habeas and went abroad, staying there until again elected for Banbury to the parliament of 1625, when he returned and claimed his seat. This however was refused him on two grounds: the first,

that a prorogation, unlike an adjournment, gives no privilege from arrest beyond the sixteen following days; and the second, that no one in execution is eligible to parliament, because his enlargement would by law deprive the creditor of his debt. That was one case. The other was Mr. Basset's, a Devonshire squire who had been for two years a prisoner upon original and mesne process, his arrest being for so large a sum that no man dared to bail him, but who nevertheless had been returned for the borough of Fowey, on which he was set free and admitted. 'I mention these cases,' Eliot adds, 'to show their different judgments, and the rules of proceeding in that house; which, as they are exact to preserve the public interests, are curious also and intensitive for the private. Justice, in all, being the ground on which they build; though the first stone and foundation be their privilege.'

Far above the points of usage or privilege however, important as they were, established by the cases thus mentioned by Eliot, were the higher considerations involved in the election-disputes of Wentworth. They mark the advance made thus early in a just appreciation of the relations that should subsist between electors and elected, and which lie at the root of all civil freedom. They were lightly put aside by him who ought most to have been impressed by them: but it is important to note that the warning was at least thus emphatically given, however deliberately disregarded; and that, on the very threshold of his great career, this remarkable man encountered, not the subjugated England he sacrificed his genius and life to restore, but a people who already had risen against their bonds, and were under the guidance of leaders well-born and independent as himself, as far removed from servility, and as inaccessible to fear.

Through the later career of the two illustrious men whom we have seen thus brought into collision by the last of these Yorkshire elections, the remembrance of what has so been revealed to us never passed away; and many circumstances in the after-lives of both, till now unaccounted for, have here their explanation. As Eliot by degrees took up his place of extreme antagonism to Buckingham, that minister, struggling still against a former dislike of Wentworth, yet saw the advantage of a better understanding with one whom Eliot so sharply had assailed;

and when these overtures, entertained for a time, failed through other causes, and Wentworth in the third parliament took his place by Eliot; intrigues to win either to the court were woven around both, whereof the then ex-keeper Williams, at his wit's end in those days to recover the favour he had lost, was chief contriver and artificer. It was no ill guess by Mr. Hallam, when seeking to explain a difference of whose real origin he was necessarily ignorant, to surmise that Wentworth, always jealous of a rival, might then first have contracted his dislike for Eliot, from the suspicion that he was likely to be anticipated by that 'more distinguished patriot' in royal favour; and Williams's biographer has indeed gone so far as to say that Wentworth never forgave Williams for having offered to bring Eliot over, at the time when Weston was carrying over Wentworth himself.<sup>4</sup> Very worthily at this does Mr. Hallam exclaim, that the magnanimous fortitude of Eliot, 'the most illustrious confessor 'in the cause of liberty whom that time produced,' forbids us to give credit, on authority so indifferent, to any surmise unfavourable to his glory; and that the disclosures now made would eagerly have been received by that candid judgment, it hardly needs to say. Intrigues thickened more and more, and were so rife as the councils of the king became more and more desperate, that the possibility of even Eliot's momentary involvement in them might without harshness be entertained; but happily, as to that charge at least, we have now the means to clear him altogether. Out of the unceasing court-plotting and conspiring which tarnished so many fair reputations, Eliot's reaches us

<sup>4</sup> 'The lord-treasurer Weston,' says Hacket, in his racy way, 'picked 'out the northern cock, Sir Thomas Wentworth, to make him the king's 'creature, and set him upon the first step of his rising; which was worm- 'wood in the taste of Sir John Eliot, the western cock, who revenged 'himself upon the king in the bill of tonnage, and then fell upon the trea- 'surer, &c. &c. The bishop of Lincoln, who had spies abroad in many 'private conferences, informed the Lord Weston before, who was his ad- 'versary, what coals he was blowing at the forge, and proffered himself to 'bring Sir J. Eliot to him to be reconciled, and to be his servant; for which 'Sir T. Wentworth splenored the bishop for offering to bring his rival into 'favour; but Lord Weston took it as a courtesy as long as he lived, and 'bade the bishop look for more favour from the king than it was his luck 'to find.' *Scrinia Reserata*, ii. 83.

without a stain. From this so early date it will be seen, by continued and irrefragable proof, that with a steadiness which never wavered for an instant he kept his course straight onward to the end. Even from Wentworth himself, in later years, when altered time and circumstance must in all ways have embittered his recollection of the man who had perished in the cause he had himself forsaken, no imputation against Eliot's honour was permitted to escape. As the very type and impersonation of resistance, and not as connected in any shape with yielding or vacillation, the image of his former assailant remained with him. When Cottington sent him word, with an ill-chosen phrase of mirth, that his *old dear friend* Sir John Eliot was very like to die,<sup>5</sup> Wentworth had a grateful word for all his correspondent's pleasantries, but not for that. When Laud described to him the growing plagues of popular discontent which had struck with incapacity and fear his half-hearted colleagues, Wentworth flashed out anger at the English council that the 'fantastic apparition of 'an Eliot' should appal them.'<sup>6</sup> When matters had grown more serious, and after twelve years' intermission the name of parliament again sounded through the land, Wentworth's spirit rose to the danger by raising up Eliot's image, and nerved itself for the coming struggle by thinking of that old antagonist, to whose memory no greater tribute has been ever offered than the words he uttered then :

'Sound or lame, you shall have me with you before the beginning of the parliament. I should not fail, *though Sir John Eliot were living.*'<sup>7</sup>

#### VI. *Supply.* æt. 33.

Thus had religion, grievances, and matter of privilege been first discussed ; but in reserve there was a subject to which the king and court attached an importance predominant over all, and for which only in their view was it worth assembling a parliament. How much money would be given ? The debates that determined the answer filled the interval between the 22d

<sup>5</sup> *Strafford Despatches*, i. 79.

<sup>6</sup> *Ibid.* i. 173.

<sup>7</sup> *Ibid.* ii. 393.

of June and the 4th of July, when even the committee were a blank to us. With the greater interest there were these papers by Eliot.

'A gentleman of the country' pitched the tone of that his wish; below what was known as the desire of the court, but in agreement with that of the house that 'all the court's rhetoric and labour could hardly thence remove it.' He named a subsidy and a fifteenth as a sufficient sum, considering that three entire subsidies and three fifteenths<sup>1</sup> had been voted so recently, and that some similar application must shortly be renewed. Upon this again there was employed as mediator Sir Benjamin Rudyard; 'who but at such times, and in such services, did speak; never but premeditated, which had more show of memory than affection, and made his words less powerful than observed.'

Again he was unsuccessful. The coldness of the house discouraged him, and he sat down without even naming the sum he would have had them vote. Then did divers others follow him,

'and in divers ways and motions. Some would have an addition of fifteenths, others of subsidies; and there were that pressed for both: but in little they prevailed. The pitch being set at first, was not so easily exceeded; yet the quindecim<sup>2</sup> thought grievous to the poor, changed the proposition in that part; which was concluded, in the whole, for two subsidies alone.'

The speech that so far determined it as to make further appeal unavailing was Sir Robert Philips's. He described the grant, taken in connection with what had preceded it by but a few months, as of such value that not four of our preceding English kings ever had received the like. He desired the house to remember the condition of the people; and, through the many violations of their rights, in the burdens, the oppressions laid on them, which no times else could parallel, their small ability to contribute. If, deferring complaints, they consented to give at all, did it not speak them more than ordinarily affectionate? He denied altogether that they were under any engagement to give. The last parliament of James had indeed pronounced for a war, and made promises for its support; but where was their enemy? None such was even yet declared. Where, too, was the promised reckoning for the grant then made? What reckoning, alas, could be rendered of the many thousand men who had perished in the Palatinate and with Mansfeldt; or of the millions of treasure spent, without success to the kingdom, and

<sup>1</sup> Upwards of 350,000*l*.

<sup>2</sup> The 'fifteenth,' within which came men of smaller means and fortunes than the 'subsidy' reached.

without a state of honour to the king? Other days there were when such continued and noted not to be England's fate; days when God and she were never wavered. And for this were instanced the glories of queen Elizabeth, who, with less supplies and aids, increased herself at home, to the end. Id her enemies abroad, consumed Spain, raised the Low Countries, revived and strengthened France. Upon all which it was desired that there might be a petition to the king to move him to consideration of these things, and to reform his government, then at the entrance and beginning, by like counsel and advice. A petition and remonstrance would further tell him how affectionate in such circumstances was that grant; which for himself, Philips added, he was so far from desiring to augment, that he should feel shame if any man further could be found to suggest it.

A great effect was produced by this speech in the apprehension of the house, Eliot remarks, both for its settlement of the question at issue, and its reflection on the times. It struck a chord to which the response was decisive.

'The present poverty was felt in the general necessities of the country. The cause of that was known to be the grievances and oppressions. The loss of men, loss of money, the late infortunities of king James, were too obvious and undoubted; as the contrary felicities of queen Elizabeth. So as all men of themselves saw the present want of counsel, and some resolved, in time, more specially to complain it.'

The task was difficult in the circumstances that surrounded him, but Eliot had by this time, for himself at any rate, resolved to undertake it.

He proceeds to say of Philips that there was in him a natural grace of oratory,

'a moving and Nestorean way of rhetoric. A choice store he had, and elegance of words; a readiness and dexterity in fancy and conception; a voice and pronunciation also of much sweetness; the whole expression *profluens et canora*, but, as some judged of Cicero, so by some thought in him, *tumens et exultans*. A redundancy and exuberance he had, and an affected cadence and delivery: but upon all occasions, at all times, he spoke from the occasion, *ex re nata*, which made his arguments, as more genuine and particular, so more acceptable and persuasive. For in that place, always, premeditation is an error; and all speech of composition and exactness being supposed *ex ore non a pectore*, those children only of the mouth fall ever short of the true issues of the heart.'

No opposition further was made, after the speech of Philips, to a bill for the grant of two subsidies. It was graciously received even by the king, who had at this time withdrawn to Hampton-court because of the spread of the pestilence in London and Westminster, and his message was delivered by the



lord-keeper on the 4th of July, the day before that appointed for the second reading. Williams added that his majesty took into consideration their safeties far more than his own, in respect of the danger of the sickness still increasing; and that when he should hear the commons were ready, though he would not hasten them in anything, he would not defer one minute for any other reason to put an end to the sitting by his presence or otherwise. To this message Eliot gives an importance not heretofore understood by describing the sense in which it was received and the effect produced.

What men desire, he remarks, they are ready to believe; and it occurred to no man to doubt but that the king meant unreservedly what was said in it. The great majority of the members, therefore, disposed themselves presently to leave for their homes. The few questions that remained were of no great importance; most of them were but formal; and it was not thought possible that more could be entertained. Acting on the king's expressed desire, therefore, they believed their attendance to be for the present dispensable, and no longer felt the necessity of remaining in a plague-visited city. 'In this confidence,' Eliot adds, the greatest part went off. Hardly 'were the commons a fourth part of their number. And those that 'stayed, resolved with all the haste they could, to follow those that 'were gone.'

How natural this was will appear further from the fact that at this date the deaths from plague had reached an average of 5,000 a week; and that the city had become so empty of its ordinary inhabitants that grass was beginning to grow in the streets. Lily the astrologer, who lived in a house over against Strand-bridge, and was in the habit of going between six and seven on these summer mornings to prayers at St. Antholin's church in Watling-street, tells us that in this now present month of July, on going there, 'so few people were then alive and the 'streets so unfrequented,' he met only three persons in the way.<sup>3</sup>

Scarcely had the house thus quickly cleared itself of three-fourths of its members, however, when one subject assumed suddenly an importance not expected. The bill for tonnage and poundage had been introduced in the usual form with the subsidy bill; but, upon the second reading coming on before that

<sup>3</sup> Lily's *Observations*, p. 15. And see Whitelocke's *Memorials*, i. 5.

fragment of a house, such strong reasons presented themselves against the ordinary course of procedure as to lead to the suggestion first made by Sir Francis Seymour, which has raised against this parliament its sharpest assailants. It will nevertheless appear to us, as here explained by Eliot, both justifiable and natural. The matter is too important not to be described in his exact words.

'The bill,' he says, 'was drawn in the usual form, as formerly it had been in the days of king James; for the like term of life and in such latitude as to him. At which some exceptions were then made, and motions for change and alteration; upon which it was referred, for the better discussion and debate, to the grand committee of the house, into which, the speaker leaving his chair, they presently resolved themselves. Some did object, in that, the exactions of the officers, and the inequality of the customs then required; and urged therein a necessity for the merchants to have a new book of rates, to settle and compose it; which could not be prepared in so short a time and sitting. Others alleged the pretermitted customs, grounded upon the misconstruction of that law, which ought to be examined likewise; and the lawyers that then remained were thought to be incapable of that work. Therefore, on these reasons, they inferred a desire for a limitation in the act, and that it might but continue for one year; against which time, those difficulties being resolved, they might again renew it with a larger extension and continuance. Others to this added the question of impositions in the general, and craved a special care not to have that excluded. The older times were mentioned to note the former grants, wherein, though there were collected a great variety and difference, yet all were within the limitation of some years. Sometimes for one, sometimes for two, seldom above three, and that in the best reigns and governments, and to the wisest princes; but never for life till towards the end of Henry VI, in whose beginnings also it had had other limitations and restraints, and for the time a less extent and latitude. Upon which likewise it was concluded for a present alteration in that point. The king's council opposed this with much solicitation and endeavour, and urged the distaste it might occasion, having so many descents held constant in that form. The hopes and merits of the king were compared with all his ancestors; and it was pressed as a prejudice therein if the grant should then be limited, having been absolute to the others. It was thereupon consented that a proviso should be added for the saving of those rights; and in this form the bill passed that house, and had its transition to the lords, where it received like favour and dispatch; but was not made a law, wanting the *roy le veut*; which being denied it, showed what must be looked for.'

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<sup>4</sup> The *Edinburgh Review*, remarking on the first edition of this book, supplies a correction here. 'The royal assent however was not refused, as Eliot's language would imply. Hume states the bill to have been rejected by the lords, and Hallam makes a similar statement . . . but it

But other things had shown it before that that ap<sup>pears</sup> denial came. The modified tonnage-and-poundage bill passed <sup>the morning of</sup> his majes<sup>ty</sup> Thursday the 7th July, and up to this time <sup>had gone reason-</sup> <sup>ably well.</sup> Some threatenings there had been <sup>as</sup> <sup>but no storm;</sup> and, suspicious as many felt in the matter of <sup>though he</sup> <sup>Montagu, all else</sup> showed fairly, at the least. On the Thursday <sup>ever one</sup> <sup>evening, however,</sup> a check and change came in. He whom Eliot <sup>his</sup> <sup>prince</sup> of the time had cast an 'alteration in the air,' <sup>and</sup> <sup>the winds</sup> were suddenly let loose. Hastily and unexpectedly the <sup>it</sup> <sup>gentle-</sup> men in attendance on the duke of Buckingham who formed his council, and the major part of whom belonged also to the privy-council, were summoned, late that Thursday night, to meet the duke at York-house. He had come direct from the king at Hampton-court, and a proposition was to be submitted next morning to the house of commons. It was to ask, in the name of the king, for an additional supply.

All doubts as to Eliot's existing relations to the duke, if any remained, are closed by the terms in which he describes this council. It was called together, he says, some time after midnight; and, by reason of the suddenness and unseasonableness of the hour, the attendance was not only small, but confined chiefly to the class who were called 'the duke's privadoes.' Not only were few present, he adds, but they were such as had little judgment; the men ever ready to be attendant on the great being commonly those who are most 'obnoxious'<sup>5</sup> to their humours, and who study not to counsel but to please. No objection was made that night, therefore, to the proposal of the duke. But on the following morning Eliot received startling proof of the effect it had produced upon the better class of Buckingham's counsellors.

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<sup>5</sup> 'appears from the lords journals that it proceeded no farther than the first reading, when it was suffered to drop, most probably at the instance of the king's ministers.'

<sup>6</sup> He means most dependent upon, or liable to, their humours; as where Milton speaks (*Samson Agonistes*) of being

... 'made thereby obnoxious more  
To all the miseries of life,' &c.

II. *Eliot's final interview with Buckingham.* ET. 33.

The morning of Friday as at the 8th of July brought an early unexpected visitor to Elveden. This was no less a person than chief of the king's council, a steward in the lower house, Sir Humfrey May. Dismayed by the previous night's meeting at York-house, and hopeless himself of making impression on the duke, he sought the good offices of that popular member of the commons who alone could prevail; but not upon the favourite the double influence of his presence of the common and former friendly intercourse.

'To that gentleman,' said Eliot, referring to himself, 'whom he thought might be able to prevail with the duke, and knew to be affectionate to the public, I came in great haste.' He told him what the duke proposed, and what he had directed to be done. He believed that a demand for many additional supply, made in such circumstances, would be a great dishonour to the king and danger to the duke were he to support it. To him, no in it; and he importuned Eliot to give his help to 'stay the motion.' Their meeting was at Westminster, very near the time of the meeting of the commons; and the duke was at York-house. He objected that his interview, if he should undertake it, might be long; in so great a difficulty it was not likely to be short; and if the proposition were meanwhile made to the house, before he could finish the work, his labour would all be thrown away. 'But, to remove this doubt, the chancellor undertook to stop the motion till he came. Only he wished him to hasten his return, and in his talk to intimate that stay unto the duke.'

Eliot consented; and the next sentence of his narrative gives us a curious glimpse of the habits of the time. He is still speaking of himself. 'Upon this he makes his passage, and address; and coming to York-house finds the duke with his lady yet in bed. But, notice being given of his coming, the duchess rose and withdrew into her cabinet; and so he was forthwith admitted and let in.'

Ourselves admitted also to this strange interview, the curtain of the past is uplifted for us at a critical time. Whatever else it might involve, the scene was at the least to determine finally the future position to each other of the actors in it. Certain causes tending lately to estrange them have been seen; but as yet even Eliot has only partial knowledge of the extent of the adverse influence which has been alienating his old asso-

ciate and chief. His own position before that time, with the country party in parliament, now so decisively declared, passed of his mind, was no sufficient solution of the change. Very recently his time at his (Buckingham had found his own interest lie that way; and Eliot had been assuring, might fairly believe, that, upon the common ground of what matter of though, as a saint for the king and kingdom, agreement and coöperation Thursday ever were possible to them still. Nor, judging the present moment from Eliot say, at time by what we now know to have followed it, will it be in the air,' and much to say, that if Eliot could here have prevailed with an unexpectedly Buckingham, and if the result had been that better understanding between the parliament and the court which he desired, the course of English history might have changed. Thursday Charles's quarrel with his first parliaments Clarendon ascribed direct the troubles of his reign; and the good or the ill understood as to be publicly is to date from this day. What privately is to was to, in its two hours' conference, not alone to the men sitting at bedchamber of York-house, but to the royal masterations to could both have served, will not have exhausted itself which by years. It will not have closed when Buckingham's was some death has come. When Eliot sinks beneath the king's unrelenting persecution of his favourite's fiercest assailant, it will be working still. Nor until that harsh persecution of Eliot is remembered and put forth, in later years, to justify the harshness dealt out to an imprisoned king, will the cycle of wrong and retribution be complete that this day begins.

The first argument used by Eliot had reference to the king; respect to whose safety, he urged, as well as consideration for his honour, should dissuade the duke from the course proposed. He pointed out the position in which Charles had been placed by the message accepting the two subsidies, and professing satisfaction therewith; a message which the duke's present proposition must necessarily impeach, either in truth or wisdom. In reply, the duke disputed this construction of the message; declaring that the acceptance was but an acknowledgment of the affection thereby shown to the king, and not any admission of its adequacy.

Eliot then with additional reasons reasserted his own view, and begged the duke to recollect that the bulk of the members who listened to the message were now, upon the very confidence inspired by the language employed in it, absent from their places in the

He dwelt upon the small number, not a fourth, that remained, and said that if any demand to vote additional subsidies were forced upon that fragment, it would be regarded by the king and his council as an advantage taken of their absence, in the face of an ambushade or surprise. At no time, Eliot added, could such a step be thought honourable dealing with the king's council, and far less at the commencement of a new reign, 'in the presence of the sovereign.' The rule then safest to observe was that of a higher authority than his. *Ut initia proveniant, fama in se est.* To all which, including the hint from Tacitus, Buckingham listened gravely; but contented himself with the dry comment that 'the absence of the commons was their own fault and error; and their neglect must not prejudice the state.'

Better so, rejoined Eliot, than prejudice the personal honour of the king. Take away that, and 'no prince was great, hardly any fortunate.' Nor was Buckingham left ignorant of his own danger.

'For his own safety many things were said; some more fit for use than for memory and report. The general dis-opinion was objected which it would surely work to him, not to have opposed it, whose power was known to all men. Nay, that the command coming by himself, would render it as his act; of which imputation what the consequence might be, only a higher power could judge, men that are much in favour being obnoxious to much envy.'

Though Eliot cares not to remember all he said, what he does report will show how pregnant was his warning. The answer returned, he adds, though weak, was yet such as implied no yielding. In the duke's opinion the personal honour of the king stood, not on the construction of any particular message, but wholly on the expectation of the fleet then busily preparing. He would not say for what service it was bound. But the vice-admiral might account it certain that the service, all important as it was, could not be performed unless the ships were speedily set forth; that they could not be so set forth without more money; and that, to the king's chief minister, this was the matter wherein preëminently the honour of the king was so engaged as to outweigh all considerations for himself.

One more argument remained, which Eliot had reserved to the last. It was an argument that probably he would fain not have used at all, but which elicited the reply that gives to his account of the conference its greatest value. It supplies the clue to Buckingham's character, and explains the failure of these early parliaments of the reign.

Plainly, then, Eliot told the duke that even though he were dis-

posed to admit any force in the replies that had been made to the considerations he had urged, he had yet to inform his grace that it would be better the scheme were laid aside, for *it would fail*. It would fail; and not merely in the sense of that immeasurable loss to the king which in such case must attend what the duke would call success, 'by alienation of the affections of the subjects, who 'being pleased were a fountain of supply without which those 'streams would soon dry up;' for, not even such ill-omened success, not even the show or surface thereof, would it obtain. Better than Buckingham he knew the temper of the house of commons. Though hardly sixty members were on the benches that morning, and of these the country members were the minority, he yet took upon himself to warn the duke that a proposal for another money-vote that session could have no other possible fruit than causes of fresh disagreement between parliament and the king. Such a vote would not pass. Buckingham listened impatiently, let fall a hasty word, and the whole truth flashed upon Eliot. Success was not so much desired, as reasonable ground for quarrel. 'The proposition must 'proceed without consideration of success; wherein was lodged this 'project, *merely to be denied*.'

Further effort was hopeless; and yet, excited by discovery of that 'secret,' Eliot so pressed the favourite as to 'draw on 'others that supported it of greater weight and moment.' These he does not name, but it was plain that now no other course was open to him than to bid the duke farewell. Unexpectedly he had obtained guidance for himself through such danger and suspicion as yet might lie before him. From what had passed, that at least was clear; though, as he says, in the significant sentences which close his narrative of this extraordinary conference—

'—*For the present* it gave that gentleman' (himself) 'some 'wonder with astonishment: who with the seal of privacy 'closed up those passages in silence, yet thereon grounded his 'observations *for the future*, THAT NO RESPECT OF PERSONS MADE 'HIM DESERT HIS COUNTRY.'

VIII. *Last two Days at Westminster.* ET. 33.

From York-house Eliot went with all dispatch to the house of commons. The labour he had given to the interview, 'not misspent, had taken up much time.'

'Two hours at least went into the treaty and discourse, which with the intercourse had so wasted the forenoon as there remained but little at his coming back to Westminster; where the like difficulty had been to retard the proposition for that time.'

Sir Humphrey May's promise to keep back the duke's proposal, he had found it difficult to keep. For the message had been put 'not as other messages from the king into the mouths of his counsellors and great officers, whereof there are never wanting in the commons' house too many,' but by the duke's special choice, and as indication of further intended preferment, to a member not yet holding office, whose selection for that employment had so elated him that he 'laboured as a woman does with child, in desire to bring it forth.' Poor Sir Humphrey had had much ado, before Eliot's appearance, to prevent a premature delivery. But the very aspect of the member for Newport, as he entered the house, sufficed to show that he had failed; and the duke's selected instrument arose.

'The man so chosen,' says Eliot, 'was Sir John Cooke, raised from a low condition to that title by the duke. To him he had been recommended by that old courtier Sir Fulke Greville; under whom he had had his education as a scholar, and so was his service and employment. But his conversation being with books, and that to teach not study them, men and business were subjects which he knew not; and his expressions were more proper for a school than for a state and council.'

The speech in which he introduced the duke's proposal as from the king, may be briefly described. His majesty thanked them, he said, for the earnest of their love in the gift lately made; and had directed him, in acknowledging the munificence, the royalty, of that gift of three subsidies and fifteenths which the last parliament had voted, to give some general account of the expenditure. In Ireland, there had lately been disbursed thirty-two thousand pounds; for the navy, up to that date, thirty-seven; for the ordnance and forts, forty-seven; for the regiments in the Low Countries, ninety-nine; and for Mansfeldt's levies, sixty-two. It had been complained that there was no express declaration of war, but every one knew their enemy. Even then Cooke refrained from naming Spain or Austria; but he added that the powers which now ruled the continent were known to all, as well their designs generally upon the German states as



their ultimate designs upon England, which, if not timely checked, would leave to her only the favour Ulysses obtained from Polyphemus, to be the last devoured. He handled warily the one exploit of the war, the sole achievement they had to show for their expenditure hitherto, the disasters of the Mansfeldt enterprise. The faults in those troops at Dover could not be excused, but the objection was not a just one that had condemned the selection of a foreigner to lead them. Considering that the whole army comprised French and Dutch, as well as English, and that more generals than one would have raised difficulties of precedence, the man might be fairly held the most fit who was least likely to suggest objection from the rest. Nor, though there had been ill-success, and Breda had not been saved, had the design been altogether unprofitable; since divers princes of Germany had been thereby kept from declaring themselves for the enemy. Such was the account to be rendered for the last three subsidies and fifteenths. But his majesty had further commanded him to give account of the preparations then in hand. The house had voted something short of two hundred thousand pounds, but the charge of the fleet then preparing would much exceed that sum. In the navy-office alone it would be two hundred thousand, besides forty-eight thousand in the ordnance, and forty-five for the landsmen. Nor did this include the subsidies promised for foreign aid. To such various demands of course his majesty's ordinary revenues were unequal; and these being exhausted, while the crown lands were overcharged with other expenses both of necessity and honour, the king's engagements could not be supported without more help by parliament or *else some new way*. His majesty was in debt. The lord-admiral had engaged his estate. Other ministers had helped in their degrees. Should it be said that these men were left to be undone for their readiness to the public service? What were they to say to the honour of the king? But that was not all. Even his majesty's establishment on his throne, the peace of Christendom, the state of religion, depended on the fleet in preparation. Their adversaries (still he avoided employment of the word *enemy*) had indulged in very insolent speeches ever since the taking of Breda. The French inclined to civil war. The people brandled<sup>1</sup> in Italy, and fainted, as their forefathers were wont to do, after the heat of the first enterprise. Germany only was to be counted on. The catholic league had been prevented from assembling to the ruin of the protestants by their German allies

<sup>1</sup> From the French word *brandiller*. It is used in the sense of wavering or shaking. Jeremy Taylor so uses it; but it is of rare occurrence after the reign of James.

alone. To reunite the princes, to encourage the French, to support the States, to oppose the catholic league, what had they but the reputation of Mansfeldt's army, and the expectation of the fleet now under equipment? Was it to be said, that, forsaken of his subjects, the king had been enforced to abandon religion, and to seek a dishonourable peace? It was Sir John Cooke's conclusion, upon all these considerations, that money alone could save them; and he would therefore move that they should presently make an addition of supply.

'Thus spoke that worthy,' says Eliot, proceeding to explain how it happened that he spoke to no purpose whatever. He found only one hearty seconder, Sir William Becher, 'a council-clerk and servant of that time,' who represented Dover, a creature of the lord-admiral's possessing neither reason nor authority; and such was the effect of a prompt reply 'by a worthy gentleman of Lincolnshire, Sir Thomas Grantham, who was never wanting to the service of his country,' that the motion 'forthwith died and perished, though from the dust thereof more troubles did spring up.'

Why it should have died without debate was in a measure attributable also to what Eliot relates of the disaffection of the section of courtiers headed by Sir Humphrey May. Their fears had not been lessened by the tone of Cooke's speech; and though Eliot more than hints that their disfavour had arisen from the fact that 'it came not in particular by them, and they were not preconsulted for the work,' he is yet careful to state that 'the immense calculations and accounts, the far-fetched and impertinent relations, the artificial positions and conclusions,' of Buckingham's selected spokesman, received no sanction from them. Neither did they make any attempt, he adds, to resist the disapproval strongly excited among the country members by what Cooke had put as a possible case, that the house might forsake the king, and that the king might abandon religion.

'This,' he remarks, 'was deemed both scandalous and offensive; as was that mention of *new ways*, which the more was noted because it had happened once before, and therefore was not thought to be accidental or by chance.'

What the issue might have been, however, even as regarded May and his friends, if the motion had been pressed to a division, Eliot does not touch upon. He contents himself with saying:

'There was no denial, nor no question: it being never brought so far. Which had almost a miracle within it; for there were hardly then three-score in the house, and, of those, countrymen not the most. Any support or agitation it had had, must have needs driven it to a concession, or the

contrary ; but through the wisdom of the time, exceptions were declined, and it vanished through its own lightness or futility.'

Even so. But not therefore were its consequences less disastrous. It was the present avoidance of an open conflict that gave the duke his future opportunity.

As a thing of course, all fresh business was now abandoned. Early on the following day, upon the motion of Mr. William Strode, the commons joined in an address to which the king replied, that observing the thinness of the house and the danger of the time, which had indisposed them to further business, he acceded thereto. 'His necessities were great, yet the consideration of their safeties should dispose him to dismiss them for that time, though they must shortly meet again. That *shortly* was not then rightly understood.' Much lay in the word which no man understood who heard it at the time, though he had not to wait long in uncertainty.

'No man,' says Eliot, 'did doubt that which the word intended. Most men did refer it to the winter or the spring, the conventions of that council being seldom nearer, or more frequent. But an effect it was of the powerful influence of the duke, which not long after was more perspicuous and apparent.'

In other words, the duke had resolved to punish the house of commons for their late disaffection to himself, and the rod which was to make them smart for it was preparing. On this very day, 'being but the day before,' he overbore Williams at the council, and carried what he had determined. So ended all hope of any future right understanding. The miserable strife set in that was to last to the close of the reign.

Eliot stops, at this point, to dwell upon the temper now shown by Buckingham ; to describe the effect produced, by rejection of his proposal, on his intercourse with even his dependants ; and to deplore the misery which awaited England from that wanton and unbridled will. It was doubtless the turning-point of the destiny of Charles the First ; for if he had started with a disposition to treat the commons fairly, he would have kept at his side the most powerful and most loyal of his subjects, then the trusted leaders of that house. As it was, he sacrificed everything to the man of whom Eliot proceeds to speak in these weighty and pregnant words :

'That unexpected issue to the duke caused likewise a new trouble and disorder. All his privados were condemned, as remiss and negligent in the service. His friends were all complained of, thus to have failed

his hopes. Every man was blamed, but him that was most faulty. What he intended in his corrupt reason, or affection, to *that* he would have had even the heavens themselves consenting. So unhappy are such persons, through the distractions of their greatness, that success they think must follow the *Via Lactea* of their fancies, and that the rule of that, nay of the world itself, should be ever by the proportion of their wills; and rather than fail therein, if the superiors be not flexible, the infernal powers shall be studied with their arts. That was the infelicity of this man; and at this time it first opened and discovered, though not clearly but by shadows. Being disordered in his purpose, which almost no man yet did know, he condemns both his fortune and his friends. But for himself, nothing was less resolved on than that which was most necessary. *No retraction of the course!* That which had been, because it was done by him, must be both justified and maintained. And that justification must appear in the approbation of the work, by a future prosecution that was worse.'

This evil consequence followed quickly. Monday being appointed for adjournment, the rest of Saturday was given to the completion of a bill of continuance. It was still at that time doubtful if a session were not necessarily determined by the fact of bills receiving the royal assent; and the object of the short act now framed was to provide that such assent should not so operate ('as was supposed by some,' interposes Eliot, 'though precedents spoke the contrary'); but that the session should 'continue by adjournment, and all things stand in the condition that they left them, so to be resumed again at the next 'time of meeting.' This done, and in the brief interval remaining other matters also disposed of, the morning of Monday (the 11th) arrived.

Hardly had prayers been said when the lords intimated to the commons their receipt from the king of a commission for the double purpose of adjournment of the parliament, and of royal assent to certain bills which had passed the houses. Comparatively few as the members attending were, at the time when this message was delivered from the lords, it raised a hot debate on privilege. Our knowledge of the fact we derive solely from Eliot, and it is very characteristic of the temper of the commons at the time.

The subsidy-bill was the principal one waiting assent; and it was pointed out that this bill had never been returned from the lords, whereas the rule was that all such bills having passed the lords should be returned again as the peculiar property of the commons, with whom it rested, upon their attendance either for dissolution or adjournment, to present them by their speaker as their free

act. This was not disputed; but it was shown that the subsidy-bill had been appended with the rest to a commission properly belonging to the lords, and that therefore it could not be detached. A compromise was thereupon suggested, and the speaker was required to give assurance that 'in an expression at the place' he would be careful to save the right of the commons.

As to the adjournment, however, no compromise was possible.

'This,' says Eliot, 'having always been their own sole act and work, in admitting it by commission from the king it was then thought an innovation of the right, which might induce a precedent against them; and so retrench their liberty for the future. And for this purpose the difference was observed between adjournment and prorogation, as prorogation and dissolution have their odds. That the two latter in their kinds were in the prerogative of the king; the adjournment, in the privilege only of the house. Therefore a message in that case was dispatched for accommodation with the lords; who thereupon agreed to read only in their presence the commission for assent, and in the other to leave them wholly to themselves.'

The dispute of privilege thus arranged, the speaker and such of the commons as were present prepared to depart to the upper house; and the feeling which then possessed them, differing so widely from the hope and eagerness of the day of their assembling, is remarked by Eliot. Of satisfaction we had not much, he says, and of promise far less.

'In the matter of religion, though there were a fair answer in the general, yet Montagu was protected, and to that end made chaplain to the king. In other things, the answer to the grievances was but slight, and such as imported small fruit and benefit to the subject. The bill of tonnage and poundage was respited, and yet those levies made; which was held an indication of more love to the ways of power than of right. The laws that had approbation were not many, and the choice of them not great. That against recusants was not passed; and, in all, their number was but seven: whereof the subsidies of the laity and clergy made up two, so as the rest imported little to public happiness.'

He proceeds to name each in succession,<sup>2</sup> and his character of them justifies his statement.

'That for religion, for so it was pretended, only did provide against

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<sup>2</sup> In the following terms: '1. An act for punishing of divers abuses committed on the Lord's-day. 2. An act to enable the king to make leases in the duchy of Cornwall. 3. An act for ease in obtaining liveries of alienation. 4. An act for restraint of alehouses and victualling-houses. 5. An act for confirmation of the subsidies granted by the clergy. 6. An act for two entire subsidies granted by the temporality. 7. An act that the session should not then determine by the royal assent to other acts.'

bullbaitings, interludes, and the like unlawful pastimes on the Sunday; and therein also with a mixture of civil considerations and respects. That for the duchy had aspect but to the profit of the king, though with some shadow and pretence of advantage to the tenants. That for alienations only looked at some small decrease of fees, and had reference but to few, and rarely of use to them. That for restraint of alehouses, was in effect but what had been before, for the repressing of tiplings and disorders; which both before and then were more decried than punished, as reformation is less easy than complaint. The rest need no comment to explain them: sense without reason making demonstration of the subsidies; and for the other, if it had wanted midwives, much trouble had been saved which afterwards did follow that prodigious birth at Oxford.'

Better for us there had been no act of continuance, he means; better to have been dissolved at once. The prodigy ripening for 'birth at Oxford' was the proposed reassembling in that city after a few days; on which Buckingham had resolved, and of which with amazement they were now to hear.

Rumour of it seems to have suddenly reached them before the messenger called them to the lords; and there are indications of a hurried debate, but of no want of accurate perception of the drift of Buckingham. That he was bent upon preventing any continuance of the united action of the commons, and failing this had resolved to get rid of them, was perhaps discernible with no great difficulty, apart from the special knowledge Eliot possessed. By the pretence of reassembling them, they were to be scattered apart more widely; and if that plot for a diminished attendance should fail, or a compact opposition still present itself, the cause of quarrel lately found yet furnished plausible pretext for a dissolution. But, be it so, we must meet at all hazards, was the tone at once taken equally by Sir Edward Coke and Sir John Eliot; the latter at the time knowing well, as he enables us now to know, what Buckingham desired and was prepared for. Some on the other hand would have asked, even yet, whether there might not be a winding-up of the session and a prorogation to Christmas. Too late, cried Eliot; adding with characteristic spirit, that he should himself, before they separated, move for a full attendance at their coming together again. 'Move it 'when we return from the lords,' said the member for Surrey, Sir George Moore; and the words were scarcely uttered when the usher appeared.

The lord-keeper was chief commissioner, and had to announce to the commons what he had himself most strongly, for purposes of his own, resisted at the council. But Mr. Speaker first did the part assigned to him. Laying his hand upon the bill of subsidy, 'as it 'was hanging with the others to the commission that must pass

'them,' he made as if to take it to himself; and then, claiming it in the name of the commons, returned it formally as their presentation and free gift to the king. Whereto, in the sovereign's name, Williams briefly answered.

The king thanked them, he said; and he had it in charge to inform them that he intended his answer to the petition for religion to be real and not merely verbal. Shortly after their reassembling they should have a particular satisfaction in that point, and in the mean time he would command a strict execution of the laws. The bills described by Eliot received then successively the royal assent; and Williams declared the king's pleasure to be that the houses should adjourn, and reassemble at Oxford on Monday the first of August.

The commons returned to their house, says Eliot, troubled and wondering. A suspension of their sittings had been conceded on the ground of the spreading of the plague; and now, while that danger hourly increased, their sittings were to be resumed in a fortnight. So greatly had the terrible disorder been increasing, that there were fears now of its breaking out wherever a crowd might assemble.

'All persons now,' says Eliot, 'were suspected, and in jealousy; men, if they could, even flying from themselves. The houses, streets, and ways, nay even the fields and hedges, almost in all places near London and about it (besides the miserable calamities of the city), presenting daily new spectacles of mortality.' Very special reasons were there also why Oxford should not have been chosen, for already the disease had shown itself there. 'It was entered,' Eliot tells us, 'into some few houses of the town, and some of the colleges were infected. Most of the scholars were retired; and that was an aggravation to the danger, which being apprehended to the full became an aggravation of the fear.'

This could not fail to be known, he adds, though ignorance of it was afterwards pretended; and he proceeds to say that, apart from all this, and supposing fear to have been felt unnecessarily, the short interval allowed for recess involved in itself so much inconvenience, manifest to all, that its purpose could not be mistaken.

'Some,' he remarks, 'had but opportunity, whose habitations were remote, to make only a visit to their families, and at first sight to leave them. Hardly any one had leisure for their fit accommodation and provisions, but suffered some inconvenience or defect. Their travel on the ways, their danger in the inns, and the little safety could be promised at the period, took off all pleasure from the journey; while the occasion that did move it was more distasteful than the rest.'

Nevertheless, no opposition was made when, immediately after reaching their own house, Eliot rose and moved 'that within three days after our next meeting the house shall then be called, and censure to pass upon all such as shall then be absent.' Sir John Cooke only remarked that his majesty could not but call parlia-

ment together speedily again, for support of the war in which they had engaged him. The subject was not pursued. It was well known, Eliot intimates, who the person really responsible was; and that what they accepted for 'a justice in the king,' they could not but account 'an injury in his servants. But obedience was resolved 'on; and through all the difficulties of the time, the king's pleasure 'was preferred.' What he adds of the adjournment is a curious illustration of the difference between the houses, and the greater jealousy of the commons, in regard to such matters.

'The lords, upon the departure of the commons from their house, read there the commission for adjournment, so much they differ from the others in order; who, having likewise the writ brought down to them, refused to read or open it; but, as their own act, not varying in the circumstance, pronounced it by their speaker that the house adjourned itself; and so dissolved that meeting.'

A sorrowful close to what had opened with so much promise. The report of it flew presently, Eliot tells, to all parts, and affected men everywhere with wonder at the strangeness. For 'London then 'was the constant seat of parliaments, which no where else had 'been for divers ages past; that in the vulgar sense they were in- 'corporate to that place.' The place substituted, too, had in itself an evil omen.

'It was noted, as something ominous and portentous, for the success it gave to the like meeting in foretimes. It raised a contemplation of the miseries which followed that unfortunate Oxford convention in the days of Henry the sixth, with the reasons and intentions that had moved it; and from the resemblance of the causes was deduced a like supposition for the effects. Which gave a fear to all men, who in their hearts deplored the unhappiness of those princes that expose themselves to the corruption of their ministers.'

So clearly Eliot foresaw what he did not live to witness. Hardly more than twenty days had passed since these representatives of the English people were hastening eagerly to London to be the first to offer service to their young sovereign, and now they were leaving London with forebodings drawn from the darkest days of their history. The short interval had sufficed to determine the character of the new reign. When the commons met again it would be to answer the challenge Buckingham had flung down to them, and to begin the momentous task of determining which was indeed the strongest power in the state. The wisest of the Plantagenets, the strongest and boldest of the Tudors, had never raised that issue; and even Charles's



father, while straining the prerogative as they would never have attempted, had been shrewd enough always to shuffle back before the step that would finally have committed him. If there was yet a hope to avert the struggle, in the interest of the sovereign himself, it could be only by assailing the influence of Buckingham; and the suddenness with which that minister became the object of a combined attack, led by men with whom very recently he had been in familiar or official intercourse, is thus accounted for. History heretofore has explained it imperfectly, but Eliot's revelations leave it no longer doubtful. Himself still an officer of the state, he had to decide upon the instant whether nominal service heretofore paid to Buckingham should avail to intercept a higher allegiance due to the public service and the king; and his first official act, on returning to the west the day after parliament adjourned, will show us that his decision had been irrevocably taken.

He was thenceforward to work out practically, in what remained to him of life, the thought that had risen to him in his memorable last interview with the minister. 'With the seal of privacy he closed up those passages in silence, yet thereon grounded his observation for the future—*that no respect of persons made him desert his country.*' Yet the respect of persons was even now so far to influence him, carrying with it memories of youth, that it was not his voice which raised itself first against the man whom in the interests of his country he could no longer hesitate to oppose.

## BOOK SIXTH.

FIRST PARLIAMENT OF CHARLES THE FIRST: AT OXFORD.

1625 (JULY AND AUGUST). *ÆT.* 33.

- i. Recess : Eliot in the West. ii. Reassembling : First and Second Days.  
iii. A Blunder by Buckingham. iv. A memorable Debate. v. A Comedy ill-played. vi. Serious Afterpiece. vii. Last Scene but one.  
viii. Catastrophe and Falling of the Curtain.

### *I. Recess : Eliot in the West. ÆT. 33.*

ELIOT quitted London on the day of the adjournment, travelling to the west. Exciting news reached him as he passed along. Turkish pirates had appeared in large numbers off the coast, had seized numbers of ships, rifled their cargoes, and carried the crews off captive. Such had been the terror inspired, that hardly a vessel since dared venture from the western harbours. Nay, even the latter were not safe. In some parts the enemy had shown himself in the very mouths of the close havens ; and all the open roads he used as confidently as if they had been his own. No resistance had been offered, or was possible. From under forts and castles, left helpless and unguarded, the Turks had taken English ships. The whole of the western sea was at their mercy ; and they had also carried off their prizes from the shore, having landed in various parts of Cornwall.

Not a fisherman could stir along that coast but for prey and purchase at the pleasure of his plunderers ; and whether rich or poor suffered most, no man could say. Besides the actual loss in ships to the merchants, trade had been completely interrupted ; and this threw a damp over everything, ' commodities being not vendible ' where the transportation is denied.' Such is the account given by Eliot of the complaints that reached him as he journeyed home. He estimates the number of Christians captured during the outrages at

not less than twelve hundred. 'This man bewailed his son; that, his father; another, his brother; a fourth, his servant; and the like. Husbands and wives, with all relations else of nature and civility, did complain.' That such distress, increasing in its cries with every fresh alarm, should at last take the form of a panic, was not surprising; and while Eliot admits that the feeling he witnessed ('even the chief towns and strengths not privileged or excepted') showed some exaggeration, and that 'the people, as their manner is, feigned or enlarged the cause after the apprehension of their fancies,' he adds that the danger and the loss had been unprecedented ('no former times having been exampled with the like'), and that there were attendant circumstances accounting for the indignation that accompanied the fear, and more than justifying the impatience displayed against the 'ministers of state.'

To those ministers prompt intelligence had been sent of the 'raids and ravages' of the Turks. Sir Walter Erle, immediately before the adjournment, had publicly warned the privy-councillors of their approach. Special prayers for relief had since, day by day, been addressed to them. Nor would relief have been difficult. After referring to the preparations for the great fleet, whose destination the commons had vainly endeavoured to ascertain, but in which there was no doubt that all the hopes most cherished by Buckingham and the king now centred, Eliot makes a remarkable statement.

'Divers ships were then ready of the fleet, which might have been commanded to that service. They lay idle in their harbours, in the Thames, at Portsmouth, and elsewhere; all their men and provisions being aboard. They were to attend the preparation of their fellows, for which generally was appointed the rendezvous at Plymouth; so as this employment would have drawn them to that place. Their countenance in the passage would have dispelled those pirates. No charge had been occasioned to the king: no waste of the provisions, nor unreadiness in the ships, nor disorder to the service: but rather an advantage given in all. Yet nothing could be gotten, nor ship might be removed. The trade and merchants were neglected. The coast was left unguarded. The country stood exposed. As if, in expiation of some sin, it had been made a sacrifice to those monsters.'

This was the condition of affairs when Eliot reached Plymouth; and hardly had he done so, when from some of the principal western traders urgent entreaty for help was sent to him, such as already he knew had been sent without effect elsewhere. In ordinary circumstances his course would then have been to crave instructions from the lord-admiral or from the admiralty commissioners. Now, he applied to neither. Mani-

festly he had closed his intercourse with Buckingham ; and he significantly tells us why it would have been idle to make appeal to the commissioners.

They had become mere instruments in the lord-admiral's hands. Designed originally to check his misdoings, they had become a cloak and cover for them. Eliot sketches their decline and fall ; and we find it to be an old and familiar story, abundantly exemplified since.

'The whole strength and preparation being naval, those commissioners were the masters of it. Either for that particular then in hand, or any other service and design for the honour or safety of the kingdom, which consisted in those arks, their judgments and discretions must dispose it. They were first instituted, in the creation of their office, under the admiralty of the earl of Nottingham ; for a check and superintendence to the admiral, that the whole kingdom should stand not too much intrusted to one man. But after, through the conversion of the times, they became only subservient to the admiral : his instruments to negotiate his ends ; and his objects against envy. *Inani nomine*, as those ministers in Tacitus, *alienæ culpæ prehendebantur*. They had a great power in name, but little liberty to use it. Only they were an apt disguise and shadow, and a common father for all faults. I observe this the sooner, to show how, from the same root and principle, both good and ill derive themselves. This office in the institution was with reason for the common good and benefit ; but the execution of it after was corrupt, dangerous, and obnoxious. Whatever the admiral but intimated, the commissioners did ; and if complaint succeeded it, the error was their own.'

Hopeless of a hearing in this quarter, with characteristic decision Eliot made direct appeal to the king ; and the course and issue of the application, apart from the illustration they afford of the now opening antagonism of Eliot and the duke, show strikingly the manner in which public affairs were at present administered, and the impossibility of any man obtaining, so long as Buckingham and his parasites ruled, any share of that protection for property and person without which all government is imposture. It will be best given in Eliot's exact words.

Describing himself, in connection with the application made to him, as 'a gentleman of those parts to whom it had relation by his office, being vice-admiral of Devonshire,' he relates what it was that had caused the so sudden application. 'That there were forty sail of Turks besides those which formerly kept that coast, then in one fleet come within the channel : and this warranted by the deposition of the master, and some others, of a small bark that had passed them in the night. The vice-

admiral resolved to represent it to the king. The king resenting truly the danger of his subjects, presently recommends it to his council, commanding that gentleman to attend them. Who meeting, and having the considerations laid before them of the dishonour to the king, the prejudice to the country, the necessity and facility of relief, for which some few good ships would serve; and those, being ready, importing no charge unto the king, nor hindrance to their service; it was thereupon resolved *that eight ships for that purpose should be sent*, which, having done that work, should await the rest at Plymouth. This being settled by an order of the board, was directed to the commissioners of the navy, certified by letters to the country; which thereupon conceived good hope and satisfaction, though the sequel did not answer it.'

The only point left doubtful in this narrative is its mention of Eliot's having attended before the council. He may have done so on his return to resume attendance in parliament, but for the present certainly he remained in the west; and now Buckingham and his ever-ready instrument Sir John Cooke re-enter the scene.

Of all the commissioners of the navy, Cooke was the most busy and influential. 'The rest were but ciphers to him.' To him the order of council was referred, and by him it was coolly laid aside. It was never again heard of, until Cooke was questioned about it in the second parliament. It had sufficed that Eliot was the intended instrument of the proposed grace of the king. 'The direction of his 'majesty, the resolution of the lords, the expectation of the country,' all counted for nothing before the will of Buckingham and the unreasoning obedience of his servant. Very strange and fearful it was thought, says Eliot, that such could be; that any private grudge could intercept such a promised boon; and that the public good, and the safety of the kingdom, lay at these risks. 'Enemies at home' were more doubted upon this than those pirates and enemies 'abroad.'

But while thus the vice-admiral revolved sad thoughts of his country under a government of enemies at home, more startling illustration of their treachery was in progress abroad. He was one of the first to become acquainted with, and from him the commons at Oxford were earliest to ascertain, the existence of a design to lend English ships of war to France for service against the protestants of Rochelle. The fact carried with it the heaviest charge yet brought against the king and the favourite, of withholding state-secrets from the council. That it was communicated primarily to Eliot as a popular speaker in the commons,

is more than probable ; but that his official position as vice-admiral had also in a degree induced the disclosure, would seem to be implied by the caution that marked his first allusions to it. In his memoir he restricts himself to saying that the facts became known to him at this time ; but from other sources we know, now, who his informant was. Expressly he adds, however, that the consignment of the ships, 'seven great merchant-ships, and the Vanguard of the king's,' with all their apparel and munition, was so absolute and unreserved, that the cardinal might have used them not merely (as he did) against the port of Rochelle, but against the port of London. The leading facts may be stated briefly.

In the unequal yet powerful struggle which the huguenots were now maintaining, under the Duke de Rohan and his brother the Prince de Soubise, with the government of France under Richelieu, the free town of Rochelle had become their stronghold. Here, assisted by Spain, in revenge for French help of the Netherlands, Soubise had obtained such maritime successes, that Richelieu, comparatively powerless on the sea, bethought him of the clause in the marriage treaty,<sup>1</sup> and claimed the eight English ships. Upon this, Buckingham and the king, concealing their purpose from every member of the council, pressed seven first-rate merchantmen and sent them to sea under Captain Pennington, who had hoisted his flag in the Vanguard ship of war. Neither Pennington nor the other captains knew at first their destination, but the rumour went that they were to be employed against Italy and the Valtelline ; and to the merchant-owners, who were especially deceived and ill-treated throughout, there was given an express assurance that the ships were to act against Genoa as the ally of Spain.

<sup>1</sup> See ante, p. 99. For notices of Rochelle, which give a lively impression of the strength and importance of the place, and of the aspect of its people, see Howell's *Letters*, 46 and 108. 'I do not find them,' he says, 'so gentle and debonair to strangers, nor so hospitable as the rest of France ; but I excuse them for it, in regard it is commonly so with all republic and hanse towns, whereof this smells very rank.' Those sturdy citizens made up the deficiency by nobler qualities. More heroic endurance under unexampled suffering has never been displayed than that by which they vainly endeavoured to retain what was doubly endeared to them as the gift of the greatest of French kings.

Pennington with the small fleet was still waiting in the Downs, when, on the 8th of May, about the time first named for the meeting of the parliament, he and the other captains received instructions under Buckingham's own hand to place themselves unrestrictedly at the service of the French ambassador.<sup>2</sup> He at once remonstrated against the possible consequences of such instructions; and ten days later Sir John Cooke wrote to him, by direction of Buckingham, to state in distinct terms that the ships were not to be engaged in the civil wars of the French.<sup>3</sup> Tranquillised by this assurance, they sailed; and though, on arriving in Dieppe-roads, a little scandalised at a pretension still made by the French ambassador 'to exercise power over the whole fleet in as ample manner as the lord-admiral of France,'<sup>4</sup> it was not until the 15th of June, only three days before the parliament met at Westminster, Pennington discovered the deceit practised upon him, and that the preparations going on, in the very teeth of his instructions, were against Soubise and the Rochellois. On that day he wrote in urgent and piteous terms to the lord-chamberlain, Lord Pembroke, one of the great ministers known to have no friendly disposition to Buckingham, imploring him to mediate with the king and save him.<sup>5</sup>

It was high time. Already had the men of the Vanguard, as well as of the other ships, on discovering their destination, refused to fight against their brother protestants. They signed a round-robin, and placed it, where they knew it to be most sure to catch their commander's eye, between the leaves of his Bible. The brave and pious sailor waited but a few days after receiving it, and then brought his ships back to the English coast. On the 29th of June he wrote, from the Ness, to Lord Pembroke, to announce his return; mentioning the fact that the admiral of France having continued to press his claims, his people of the Vanguard swore they would be hanged or thrown overboard before they would fight against Soubise. These expressions, derived from either Pembroke or Pennington himself,

<sup>2</sup> S. P. O. 8th May 1625.

<sup>3</sup> Ib. 18th May 1625.

<sup>4</sup> Ib. Pennington to Sir John Cooke, 27th May 1625.

<sup>5</sup> S. P. O. 15th June 1625.

were repeated in a letter written by Cooke to Conway on the 11th of July, the day of the adjournment of the houses ; Conway having meanwhile, on the 3d and 10th of that month, written to inform Pennington (from Buckingham), that the command of the fleet was to be altogether the French king's, and (from Charles himself) that, the disposal of the ships being left to his dear brother the most christian king, Pennington was to obey entirely the command of the admiral of France. Five days later, the duke, not content with these written directions, sent his secretary Nicholas in person to see the ships 'absolutely' delivered. Under this peremptory pressure, and further deceived by a report busily spread about the court, and which we shall find even repeated by a minister on the reassembling at Oxford, that there was to be peace between the king of France and the huguenots, Pennington again sailed for Dieppe-roads, whither he was followed by Nicholas in the Neptune, personally to witness the execution and performance of his majesty's 'express pleasure.'

Again the pretences used were proved to be without foundation, and again upon his arrival Pennington remonstrated. The facts, as I now recite them, are drawn from the papers of Nicholas deposited in the Record-office, only lately accessible ; and it is remarkable with what closeness, even to the most minute dates, they confirm the charges alleged in the seventh and eighth articles of Buckingham's impeachment, and dispose of every attempt made, either then or since, to screen the minister and the king. Their public professions, put forth from time to time while the affair went on, that the ships would not be employed against the huguenots, were but a continuation of the scheme to get the fleet into a French harbour, of which the original false instructions to Pennington were the commencement ; and the statement made in the second parliament by the duke, as well as in his subsequent manifesto against the French, that Richelieu's intention was not known to himself and the king, and that they supposed Genoa still to have been the destination, was but the necessary sequel to a statement by which he had already committed himself and misled the parliament at Oxford. The facts cannot be impeached.



Before Pennington found himself the second time entrapped, he had written direct to Buckingham. It was too difficult a business, he said, for him to wade through ; and therefore, while yet in the Downs, he implored his grace to recall him, and send out some other more able for it. He would rather, he adds, put his life at the king's mercy at home than go forward in the business. On the same day, the 18th of July, he had written also to Conway that he must leave the ships and return, for that he rather desired to suffer in person than to suffer dishonour. The answer to both letters was a peremptory refusal of his prayer. The duke marvelled that he, a captain, should, upon his obedience being required, ask leave to withdraw ! He was, however, to have no fear of the issue, for news of peace between the French king and his subjects was not far off. Upon this Pennington once more sailed, followed by Nicholas ; but he reached Dieppe-roads alone, for the merchant captains had refused to follow him.

The day after his arrival, sending his boat to bring Nicholas on board, he writes to tell him why it was that he had come out alone, and that even this he had not been able to do without 'great trouble from his crew.' The 21st and 22d of July were occupied with negotiations through the secretary and the French ambassador ; the result being that poor Pennington, convinced that the huguenots and the French king were as far as ever from agreement, is again obliged flatly to refuse to deliver up the Vanguard. Come aboard to me, he writes to Nicholas on the 23d, for my people are in a mighty mutiny, and swear they will carry me home by force ! Again there is remonstrance, a renewed attempt at negotiation, and again complete failure. On the 25th Pennington finally writes to Nicholas that he can send him no other answer than that formerly given. He was willing to do anything he might with safety of his life ; but as for delivering of the ship without express warrant from the king, his company would not yield to it. He had read to them Nicholas's letter, and it put them in such a rage that they swore nothing should prevent their carrying away the ship for the Downs.<sup>6</sup>

<sup>6</sup> S. P. O. These various letters will be found under the dates respectively named.

Nicholas did not at the moment think this serious : he could not, he says, bring himself to credit it. The intense religious feeling, the passionate protestant zeal, which now animated the common people of England, and never more strikingly shown than in this incident, he was as little able to understand, as the king and the minister whom he served, and whose insensibility to it proved to be their ruin.

But the evening of the day undeceived him. Nicholas had then to write to Buckingham, after reporting the proceedings of the day before and of that morning, that in the afternoon, while waiting on the French ambassador, there came news that the *Vanguard* was under sail. He did not believe it. Going to see, however, he found it true, which he would have sworn was a thing impossible. The ship had left the roads about four or five o'clock, and amid very tempestuous weather too ! What was he to do ? The French ambassador was deeply troubled, and for himself he prayed he might not again be trusted with an employment so much above his abilities.

The scene changes to the English coast, and again Pennington makes manful and touching appeal. This time he writes to the king himself. He relates what had passed in the roads at Dieppe from the time of his arrival to that of the return to the Downs of the seven merchant ships. They did it without acquainting him ; but he adds frankly that he had connived at it, otherwise they would never have done it. He concludes by declaring that he would rather for the rest of his days live on bread-and water than be an actor in that business.<sup>7</sup> He writes similarly to Conway. On this the old artifices were again employed. The lord-chamberlain, Pembroke, was made to convey assurance to Pennington, and also to Sir Fernando Gorges and the other masters of the merchantmen, that peace was really to be made with the protestants, and that war would be declared against Spain and Milan ; wherefore they were all, without reply, to obey the directions given them. At the same time Buckingham wrote to tell Nicholas that he was to wait in the roads, for that the ships *would* be delivered up ; and by a letter of the

<sup>7</sup> S. P. O. 27th July 1625.

same date he told Pennington that there was then on its way to him an express warrant from the king who was 'extremely offended' with him, and whose orders, if he now desired to make his peace, he must not fail punctually to obey. Finally, the royal warrant followed, formally requiring Pennington to put his ship the Vanguard, and all the other seven ships, with their equipage, artillery and ammunition, into the service of his dear brother the most christian king; and, in case of backwardness or refusal on the part of the crews, commanding him and the others to use all means possible to compel obedience, *even unto the sinking of the ships*. 'See you fail not,' are the closing words of this decisive document, 'as you will answer to the contrary at the uttermost peril.'<sup>8</sup>

Little more remains to be told. For the third time Pennington took his Vanguard into the French harbour; and with him went this time, with a desperate reluctance, the seven merchant ships, of which one only<sup>9</sup> afterwards broke through and returned, upon learning that the promised assurance of peace with the protestants was false, and that the destination of the fleet was no other than Rochelle. On the other hand, Pennington, for himself and the rest, doggedly obeyed the letter of the king's warrant, and delivered up the ships and their stores, *without their crews*. Declaring for the last time that he would rather be hanged in England for disobedience, than himself fight or see his seamen fight against their brother protestants of France, he quietly looked on while the crews of all the ships deserted; left every ship, including his own, to be manned by Frenchmen; and came back to set himself right with his countrymen.

His first intention was to submit in person to the two houses of parliament his protest and defence; but he was baffled in this purpose by orders from Whitehall, and was actually kept away by means of agents employed by the court, until after the houses

<sup>8</sup> Ms. at Port Eliot. This, with the original instructions, and the protest subsequently made by Pennington, had been transmitted to Eliot at the time.

<sup>9</sup> Commanded by Sir Fernando Gorges, who became thereafter a marked object for Bagge's treacherous hostility.

were dismissed.<sup>10</sup> Nevertheless from his place of concealment he managed to send a portion of his papers to Eliot. That vice-admiral was still officially connected with Pennington's chief, the lord-admiral, and had not as yet taken any public part against him ; but he was one of the most eloquent members of the commons, and he was a brother Cornishman and friend. The papers comprised not only a copy of Pennington's protest, but the original directions by Buckingham, and the final warrant by the king ; and they remain at Port Eliot to this day. If there had been any momentary wavering in the purpose with which, very shortly before receiving them, Eliot had again turned his face to the south, they might well have determined it for ever. On the night of Sunday the 30th of July, Eliot arrived in Oxford, and before the 5th of August there is reason to conclude that these papers were in his possession.

## II. *Reassembling : First and Second Days.* ÆT. 33.

Eliot's threatened call of the house had produced its effect, and the attendance in the divinity-schools where the meeting had been appointed, on the morning of Monday the 1st of August, was very large. This was the morning on which we now know that his right reverence the lord-keeper had once more warned the king that the duke would be brought upon the stage ; and some hint of that purpose might probably have been read even upon the faces of honourable members as they took their seats. But the lord-keeper was himself to be first brought upon the stage, a circumstance he was not prepared for.

Hardly had business begun when Sir Edward Giles earnestly craved attention for a matter of serious moment. As he passed through Exeter on his way to that assembly, he found consternation prevailing in the town. The authorities, some little time before, had committed a jesuit priest to prison for aggravated defiance of the laws ; but immediately after the late adjournment of the houses a royal messenger had arrived from London with a pardon under the great seal, demanding instant liberation of the prisoner. Sir

<sup>10</sup> See impeachment of Buckingham, articles vii. and viii. *St. Tr.* ii. 1338-50.

Edward held in his hand a copy of the pardon, which was expressed in unusual terms of latitude. It was in effect an indulgence for future offences; it was a supersedeas to all officers who might hereafter impeach the man; and the clause necessary under the statute, requiring sureties for good behaviour before discharge, had been omitted. Finally, said Sir Edward, let the house observe its date. And having reminded them of the speech of the lord-keeper on the day of their adjournment, and of the solemn promise he then made in the king's name that the penal laws against recusants should not be relaxed, he held up the document, and pointing to the lord-keeper's seal declared its date to be the 12th of July. On the next following day after that grave promise, the very man through whose lips it issued had been made the instrument of its violation. 'An ill comment on a fair text,' exclaims Eliot in his *Negotium* :

'An unhappy performance of a royal promise, which likewise was the first. It being in favour of that order also which is most dangerous in religion, and for a person as obnoxious as his order. The whole house, upon the apprehension of these things, assumed one face of sorrow. Wonder it wrought in some, fear generally in all. The confusion of their thoughts imposed a silence on their tongues: which, having held awhile, thus at length it brake.'

The speaker who broke it was Eliot himself, and he has entered the speech in his memoir in a form only slightly differing from that in which I have found it reported by himself among the MSS of his other speeches at Port Eliot. Its tone and purpose were in complete agreement with what we know now to have been his temper at the time, and with what we shall find him to have steadily for the future prescribed to himself. Smarting from his late experience of having seen the king's fair disposition in the matter of the Turkish outrages overborne by the sudden caprice of Buckingham, his object in the speech now delivered is the same that was to direct him unalterably for the rest of his public life. It was to fix the responsibility for such acts not upon the king but upon the ministers of the king.

'Sir,' he said, 'Seneca reports it of an emperor that being pressed to sign his warrant for execution of a man, he gave this form and elegy to his sorrow, *Utinam nescirem literas*. He wished he knew no letters rather than employ them to such ends. In the like sense, I may at this time assume the like expression for myself, *Utinam nescirem loqui*. I would I could not speak, so there were not this occasion. But having this

liberty of my mouth it behoves that I deal faithfully with my heart. The consideration of religion, the honour of the king, the service of this place, require that I freely render what I do conceive upon this case, and what I would desire upon the judgment of it.

‘I cannot think that this pardon we have seen, issued from the king; or, if it did, that he rightly understood it. I cannot believe he gave his pardon to a jesuit, and that so soon upon his promise unto us. His favour perchance was intended to the man, and the man’s guilt concealed by those that did procure it. I believe the guilt to lie with those who secretly extended to the order, so hateful and dangerous to true religion, the mercy designed for the man. It is not seldom among princes that such things are drawn from them. They cannot read every grant that passes them; and if their leisure served, yet sometimes their confidence would decline it. Though they are princes, they leave not to be men. Hearts they have still, and affections like to others; and trust will follow where love has gone before.’

It became Eliot, in the circumstances, so to characterise the relations of the king and his friend; and to ascribe to no unworthy motive a personal influence of which he himself knew the fascination. But he would not therefore hold less sharply accountable the minister of the king.

‘Sir,’ he continued, ‘I do not doubt this pardon to be some abuse of ministers, who prefer their own corruptions before religion or the king. They are the same who have chosen for advancement divines under the censure of this house. The time perhaps is not now seasonable to question them; but yet I would have the matter searched to know the secrets of it. The lord-keeper has been made the instrument. Let the lord-keeper be required to attend here, and be examined by what warrant he did issue this pardon; and that being known, let us see who procured it. Much may be discovered in this little, and from an evil cause some good effects may flow.’

Some interruption occurred at this, to which Eliot replied. He repeated his belief that they might all profit by the ill which had been done. He held that the king, when he should be more truly informed as to these matters, might recall his grant.

‘It has an example, sir, with the French, who in the like report it of St. Louis, that when a murderer had petitioned him and received a promise of his pardon, being then at his religious exercises and devotions, upon coming to that in the Psalms, *Beatus est qui facit justitiam in omni tempore*, he revoked his promise and concession and caused the malefactor to be executed. This to a private murderer that pious prince did do. How much more, then, may we hope it from our king upon this traitor to the kingdom? Infinite is the disproportion of the offences; equal the piety of the princes. Therefore what justice was done in that, I cannot doubt in this; when our sovereign shall rightly understand it. And to that end my motion shall incline. Sir, I conclude that we should proceed forthwith to the examination of the fact; and that being known, then to repre-

sent it to his majesty with our petition for some help and redress in this particular: and for a general prevention of the like.<sup>1</sup>

But the 'king's council' too well knew what Eliot was driving at, and that to consent to any such examination would not bring only the lord-keeper on the scene, but also Laud and Buckingham. Several of them rose therefore, of whom the most prominent were Sir Thomas Edmundes treasurer of the household, and the solicitor-general Heath, Buckingham's special advocate; 'less,' Eliot tells us in his memoir, 'to make an extenuation or excuse, than, as some 'thought, to divert the inquisition that was moved for.' They could not deny the fact of the pardon, or what it imported; but they described it as incident to the French marriage, and granted as a concession to the ambassador extraordinary who had come over with the young queen. It being a particular case, the danger was not much; and they 'alleged it as a custom of king James, at the departing of ambassadors, to make a gratification of that kind.' Let the western gentlemen resolve their scruples as to this particular, then, into more hopeful expectations; for they might be assured that the answer which was coming to the petition for religion would in the general give satisfaction. The appeal was not successful, Eliot adds; the debate went on; and his own views received unexpected support from a learned civilian of large official experience, who then made his maiden speech in parliament.

This was no other than Eliot's old acquaintance, Sir Henry Marten, whom he had been concerned in returning as one of the members for St. Germans; and, doubtful as their relations once had been, he remembered now only the better qualities of the man so long connected with Buckingham, who at last, like himself, had broken-off alliance with his chief rather than fail in allegiance to his country.

'There was in that gentleman,' he says, 'great years, great knowledge, great experience, and great abilities of nature to support them. He was a doctor of the laws, and had almost all the civil jurisdiction in his hands, being judge of the admiralty, judge of the prerogative, judge of the arches. In the first he stood as an officer to the duke; but the chief duty he professed was to justice and his country. This was the first parliament he had served in. This, almost his first entrance to the parliament. This, the first trial of his service. Which had such a reward from the court, as might have been a discouragement to some others; and was not without trouble unto him.'

Some of that trouble will hereafter appear; and may explain how it was that this grave civilian's son, now a bright and joyous

<sup>1</sup> From Eliot's ms. notes at Port Eliot.

youth of two-and-twenty, was beginning his manhood with a distrust of courts and kings, to end his life as a regicide in the castle of Chepstow. It would be no violent effort of fancy to suppose that this speech of the old judge and courtier might have assisted, with other consequences strange and unexpected to that official household, in the growth and development of the most unflinching and resolute of wits and republicans, Cromwell's well-beloved Harry Marten.

The speech was uncompromising. Sir Henry addressed himself to the argument of the courtiers drawn from the alleged claims from ambassadors, and denounced such intervention as one of the grievances of the time. He pointed out that no other state admitted it, and asked how it was that even the presence of their prince had not availed to release one protestant in Spain? But in this, Marten added, we but shared the infelicity with which treaties were made, and embassies conducted. It was not always so. In former times, when ambassadors of wisdom and experience were employed, our treaties had not been unsuccessful; but now they were become a byword. It was common in the mouths of Frenchmen that we could fight, but could not treat; and that what our dexterity gained in the one, our clumsiness lost in the other. 'He concluded in the general, 'that there might be sought also a remedy for this.'

What gave bitterness to this speech, Eliot remarks, was its personal significance. Though no one had been named, it was well known who were aimed at.

'The ambassadors which had treated with the French, then, for the marriage of the queen, being the duke, the earl of Holland, and the earl of Carlisle. The first two, young and gamesome; fitter for sports than business:<sup>2</sup> the other so ceremonious and affected, that his judgment and reality were in doubt; and his aptness conceived more to have been *deliciarum arbiter*, as Petronius, than *arbiter regni* or *negotii regis*, as

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<sup>2</sup> Holland is said to have been the only man in the court, not of his own kindred, whom Buckingham trusted or cared for; and the choice was characteristic, for Holland managed to make himself conspicuous, even in that court, as much by duplicity as by frivolity of nature. The character of Buckingham himself, so lightly thrown out in this passage, by one who knew him so well as Eliot did, is curious; but in the main it is doubtless true. All his life he was young and gamesome, most fit for sports, and fascinating where he liked; but a statesman he never was, and to the last there was probably as much of the thoughtlessness of the child sporting with what should never have been intrusted to it, as of any matured or deliberate purpose, in his most mischievous actions. But their evil consequences were not less terrible.



**Pallas under Nero.** Those did take that note of old ambassadors to have a contrary reflection upon themselves, which without doubt was signified; and for this they were incensed against him, whereof he had not long after a full taste.'

Meanwhile the sympathy of the house supported him. What he said met with good acceptance, says Eliot, because 'it did speak that truth which was written in each heart; and, the general being laid up for some other opportunity, the particular was resolved on to be followed by a petition to the king, and a committee to that end appointed to prepare it.'

So closed the first day of the reassembling; but graver warnings of what the favourite had to expect broke forth upon the second day. Immediately on their assembling Coke introduced the subject of Montagu. All knew it to be unavoidable, but some had strongly wished it kept back to a later time. But, besides the man's late appointment as a king's chaplain, that very morning it was known that Laud, and the bishops of Rochester and Oxford, had addressed the king, characterising the opinions opposed to Montagu as 'fatal,' calling his doctrine the settled doctrine of the church, and protesting against submitting it to any secular tribunal. It was notorious also, that since his censure, and the royal reward that followed it, the king and his minister had given him other proofs of favour; and everything so plainly declared the determination of the court to identify with the scandal of this man's opinions the future government of the English church, that if the commons had hesitated to accept the challenge, they would have contradicted and dishonoured their traditions.

Coke moved that Montagu be brought to the bar. 'Send the serjeant for him,' cried Philips, speaking yet more strongly. The serjeant hereupon declared that Montagu's late preferment had not released him from the sureties imposed by the house for his appearance at their reassembling; but he had that morning by letter announced himself as too weak to be able to travel. Alford, Strode, and Seymour remarked vehemently on this that it was a mere pretence to avoid their displeasure, and Seymour would have had the man sent for by one of their messengers. This called up the solicitor-general Heath, who, after saying he had it in charge from the king to acquaint the house that Montagu was one of his chaplains in ordinary, and that his majesty had taken into his own care the cause relating to him, suggested the expediency of a message to his

majesty commending the matter more specially to his decision, and importuning him for remedy therein.

Eliot rose after Heath. He regarded what had been said as rather for diversion than advice; and much less a safe retreat or issue to the difficulty they were in, than a way conducing to new prejudice and danger. Assurances of satisfaction were only words, and the satisfaction could not be much when deeds contradicted them. It was true doubtless that this divine was now king's chaplain, but let them remember at what time he was made so. He was a stranger to the court until that house had objected to him. Their censure had been promotion to him, and they should thereby take warning. He disliked the counsel of going by message or petition. It was unparliamentary and unsafe. The other course was juridical, and *more majorem*. He offered instances in support of his view that to their house courses extrajudicial had seldom been fortunate or auspicious. But the most dangerous of Mr. Solicitor's arguments he held to be the claim of exemption from punishment for this divine on the ground of his promotion. Why, that being granted, all justices and deputy-lieutenants in the counties might have the like privilege and protection. Nay, the solicitor must go farther still. It was impossible that any man could commit a public crime or injury but by colour of some employment from the king. And so, all being made his servants, as that was then required, all, by the same reason, should be free from the jurisdiction of parliament. And what parliaments would be then, and what the country by such parliaments, he offered to the consideration of the house, 'with a strong caution in that point to be careful for posterity.'

Be careful for posterity. Forget not the men who are to come after you. Look out of the narrow strip of time in which you stand, and be mindful ever of what lies beyond it. This is still the thought of Eliot—*negotium posterorum*. He speaks for it; he writes for it; and is ready when the time arrives, not merely to yield up life for it, but to make the more difficult sacrifice of everything that renders life worth having.

Mr. Wentworth of Oxford, Sir Gilbert Gerrard, and others took up the same argument, enforcing it by significant examples. All qualities of men had been subject to their questions; and no dukedom or greatness could exempt them from the jurisdiction of that court. The right was still the same: nor was it likely that those who had taken part in more recent proceedings against a lord-chancellor and a lord-treasurer, would agree now to exempt a chaplain or other servant of the king's. Eliot remarks that there was

unusual agitation among the members during these allusions, for that what was intended was plainly seen, and Buckingham was in the minds of all.

The result was a determination to proceed against Montagu, notwithstanding the king's expressed wish; and Coke's original motion to send for him was revived. Eliot then interposed an objection of form. Suggesting that the former order of committal should be read, he pointed out that they could not send for a man in the custody of their serjeant as if he were out of prison, but that a time must be given to the serjeant; and the serjeant accordingly was 'commanded' to produce him, or at his peril to answer the neglect.' The very pregnant remark with which Eliot then closes the case, by anticipation disposes of the ridicule with which Hume and others have attempted to connect it. The fanatical grounds alleged for the pursuit of Montagu had been formally disavowed at the time. If the members now at Oxford were enthusiasts for religion, it is the proof that they were statesmen; and it was the continued foolhardy resistance to their wise warnings and just demands that raised up the other class of men, and of opinions, against which not churchmen only, but the church itself, proved powerless and were struck down.

'Some in this dispute had sallied upon the consideration of his book, and therein took occasion to argue his opinions; descending into the subtilties of the schoolmen about the infallibility of grace, the antecedent and consequent wills of God; but their zeal being more commended than their judgment, those doctrinal points were waived, as not proper subjects for that place; and the dispute was carried only upon the consideration of his person.'

The dispute, in other words, notified to the favourite and the king that their continued patronage of this man and his abettors would identify them with his opinions; and that parliament were prepared to resist to the last such administration of the English church. Eliot says that already this was perfectly understood; that the church had begun to divide itself into parties accordingly; and that the ill effect, upon the Oxford churchmen, of the favour extended to Montagu, offensively displayed itself in the selection of that one of their heads of houses who had most publicly avowed his sympathy with Montagu's opinions to preach before the two houses at the appointed fast, on the day following the Montagu debate. The commons treated this as an affront, and sent the two university members to expostulate with the vice-chancellor, who thereupon remonstrated with the divine chosen, and on his refusal to desist called together the delegates, by whom another was with some difficulty substituted. 'This,' says Eliot, 'showed likewise the spirit of that party which studied an innovation in the church, and was taken for an indi-

' cation of more danger; scholars and churchmen being not always found so confident.' ,

Thus opened the Oxford sitting of Charles's first parliament. The king could not read the temper of his people; and Buckingham, to whom this was better known, believed he had sufficient strength to disregard it. Charles was thus carried unconsciously to the open rupture which his minister had invited and planned. On the very day when the commons were declaring Montagu's opinions not compatible with civil government, the king, giving adhesion to Laud's letter, was declaring it impossible to conceive how civil government was to be supported if the contrary of Montagu's doctrines were maintained. And so, closing up their senses against every warning of danger, Charles, Buckingham, and Laud blindly went on to what awaited them. At each successive step in the fatal journey, this man Montagu will again and again appear. Buckingham will succeed in breaking this parliament, only to make its successor more formidable. Laud will attract power to himself and honour to Montagu, until, while assisting at Croydon in the consecration of Montagu, there will burst upon them, at that hour of triumph, the news of Buckingham's violent death amid the ill-concealed rejoicing of the people. But no uneasy visions disturb the present prospect. Laud and his patron have a common object at present in breaking with the house of commons, a section of the council who had resisted have been frightened or cajoled into acquiescence, and the king is their unresisting instrument. He has sent word to the houses that he will meet them on the morning of Thursday the 4th of August in Christchurch-hall, and will there tell them all he expects from them.

### III. *A Blunder by Buckingham.* ÆT. 33.

At nine o'clock on that morning, the commons having first assembled in the divinity-schools, the two houses met the king in the old hall. This was to be the first scene of what no man so well as Eliot knew to be only an elaborate comedy got up by Buckingham, in which even a section of the ministers themselves were to be but half-consenting actors.

Charles spoke briefly, as his custom was; and not graciously. He referred to the preparations in hand and their necessity, as a thing admitted; though well aware that what was known out of his own council was the magnitude of preparation only. He told them that in his judgment it were better that half the ships should perish in now setting forth, than that the preparation should be lost by their not going forth at all. But this he left to their opinion; again urging ('in his manner,' interposes Eliot) the expense incurred, and the impossibility to proceed without a farther aid. Then he alluded to their gift of two subsidies, and his acceptance but not 'satisfaction in that point;' spoke of the time, how dangerous it was; and put it to them 'whether they should hold greater the fear of sickness to themselves or the dishonour of their nation.' Referring then to their petition for religion, he said that within two days they should have an answer. Eliot drily adds that this was offered 'as a cordial and restorative which was to sweeten the operation of the rest.'

To the king succeeded the secretary of state, Lord Conway, who spoke also briefly, and with something of the same placid indifference as to the result. He reckoned the particulars of outlay; made what Eliot calls 'an immense calculation of the treasures exhausted;' and arrived at the unexpectedly small result, 'that there wanted only some thirty or forty thousand pounds to do the work.' Therefore had the king resorted to his subjects to crave what his ancestors in like cases had received.

Greatly to the surprise of the leaders of the commons, as soon as Conway resumed his seat, Sir John Cooke left his. 'A member of the commons,' exclaims Eliot, 'as yet no public minister of the state, was, without leave from them, and that never done by any man before, in their presence made a dictator for the king!' With amazement they saw Cooke go up to where his majesty and the duke sat, and 'after some formality of seeming to take instructions, at the present, in that which he had studied long before,' come back and prepare to address them. He had 'the honour in the face of that assembly,' adds Eliot with a kind of grim humour, 'to be called up privately to the state, and from thence returning, as from an oracle inspired with a new spirit and wisdom, he propounded the sacred reasons he had gathered.'

He spoke at considerable length, describing what had passed since 'the late king at the instance of the parliament, by the coöperation of his majesty that now was and the duke of Buckingham (*giving them that conjunction*), was drawn to break with Spain.' All the blunders and disasters that had since occurred, he defended, up to the present king's accession: making them out indeed to be full of promise. And

now, of all that had been so settled 'in preparation or in act' by his late majesty, he had to inform them that the full 'fruit thereof is yet 'shadowed under hope, but that his present majesty is not willing 'to desert it. Being the effect of the counsel given by parliament, 'by parliament he desired to follow and accomplish it.' But it required a greater charge than his treasure would supply. The fleet was now upon the seas, and ten thousand landmen were on board, for the action which had so great an expectation in the world (and of which, Eliot is always careful to note, the house had been allowed to know nothing). Yet there wanted some money to supply them; some necessaries for the ships, some provisions for the men. Would they, by refusing these, leave both men and ships unserviceable? It was the first-fruits of their warfare, the *primitiæ* of their king. Not merely upon formality, or occasion of the accession to the crown, had they been called together, but specially for the consultation of this business; to which the hope of his majesty's allies, the honour of his kingdom, and the interests of religion were engaged; and this being so, he left it '*wholly to their choice whether, by balancing the 'occasions, they should think fitter, upon the consideration of the 'time, to let the action fall, or to give him more relief.*'

This conclusion, says Eliot, astonished not only those not in the secrets of the council, but some that supposed themselves more knowing. It was judged so little answerable to the premises that few men understood it. Here was a work upon which, as alleged, immense treasure had been spent; as to which the preparation had been infinite, and the necessity said to be urgent; which was now advanced to such forwardness that it wanted but forty thousand pounds to complete it; and with the success of which, as pretended, the honour of the kingdom and the interests of religion were bound up. Yet now they were told that they might defer it, or proceed with it, according to their choice; and, whether they assented or refused, that was to be their sole business. Ignorant of the favourite's real object, says Eliot, various opinions were formed thereon. The more charitable believed that, the opportunity for the special service first intended having been lost, the original design no longer existed. The more distrustful suspected that a secret reconciliation had been made with the enemy. The only thing generally credited, as the members returned to the divinity-schools from Christchurch-hall, was that the scheme, whatever that might be, for which the preparation had been set on foot, was about to be abandoned. The false position in which the members of the council not wholly wedded to Buckingham thus found themselves placed, had, it will shortly be seen, unexpected and important results.

'All believed,' says Eliot, 'the preparation would be left, nor ships

nor men be drawn farther in the employment; that the study was how to impute it to the parliament, so that either their counsel or denial should be an occasion to dissolve it; and that some colour only was sought for the satisfaction of the world, that, whatever did occur, a cause might be in readiness, and, if the reason pressed it, a fair excuse at hand.'

To Eliot himself, as we have seen, it was secretly known that only a portion of this was true. The duke's instruments had merely overacted the part which in effect he had confessed to Eliot his intention to play. His object was to get rid of the commons for that time; and by reason of the king's alarm at their treatment of Montagu and other state favourites, their attitude as to religion, and their claim for redress of grievances, it had been easy to draw his majesty into the design. But Conway and Cooke had not only managed to involve equally in it every member of the council, but had taken it too exclusively for granted that the commons would predeterminedly oppose whatever was submitted; and, in their eagerness to strengthen Buckingham's case against the commons, they had in far greater proportion weakened the case of the king. The less we ask for, Buckingham had reasoned, the worse for them to refuse. The more indifferent we seem to either issue, whether peace or war, the more overbearing they will be for their own. Give them only the alternative of compliance with what we ask, or of refusing and separating. So shall we break with them, yet not appear to have desired it; and be justified in proceeding by other ways for the service of the state. This had been his argument to the king; but it was not one that the lord-keeper, or even Sir Humphrey May and the few members of the council who followed him, were at all prepared to adopt in its consequences.

The mistake committed had become obvious by the time the commons returned to their chamber. The smallness of the sum asked for was spoken of as a 'miracle.' They discussed the extraordinary change of counsel since the same arguments they had just heard were employed to justify a demand for six times the amount. Why were they brought together at such inconvenience, and in a time of so much danger, if this was all the business to be dispatched, and if redress of the subjects' grievances was to be deferred indefinitely? The proceeding would have seemed incredible, were it not that the

privy-councillors and their mouthpiece spoke in the presence of their king. Eliot adds that a remark to this effect escaped some one of the gentlemen of his county. It was immediately silenced; 'but that parallel and conjuncture of coöperation with the king was not, though silenced, yet forgotten.'

Two resolutions were passed before the commons separated that afternoon. One, that the matters of which they had heard in the morning should be discussed at nine o'clock next day; and the other, that no one was to depart on pain of censure. No debate was permitted upon either. 'The remainder of that day was reserved for meditation.'

The seats were crowded on the following morning, and the debate, which proved to be a stirring one, was opened by the member for Oxford, Mr. Whistler. He was for a conference with the lords. He declared he saw no other way out of the difficulty. His desire had been to continue their sitting and to give, until he heard the worthy member (Cooke). But, the king having left it indifferently to their choice, 'balancing the importance of his service with the dangers of the time,' he was not now for continuing to sit to 'think of a new supply.' The greater good must of course be preferred. 'Fancy and affection must not govern in such counsels.' Perhaps the lords might be able to resolve them as to the real importance or otherwise of the preparations in hand. The plague was now around them; at their very doors; but the safety of the kingdom was more than the safety of their lives. If the former were involved, 'he was no Englishman that would leave his post, to die resolutely for their country having been the honour of their nation;' but if it were otherwise, 'he was no friend to England that desired it, nor could they in wisdom give themselves as a sacrifice to their enemies.' For himself he was now for separating and not giving. Why should they continue? 'The supply which was demanded being too little for their values; less than they should spend, if they continued there awhile.'

Mr. Whistler's argument appears thoroughly to have disconcerted May's section of the council. He was a moderate man; and what he said had shown them the false position in which they had permitted themselves to be placed. But they did not see all they had been betrayed into, until Sir Francis Seymour rose. They had resisted the proposal for a conference; and other members had claimed to have propositions from the council laid before them in detail that they might 'by *capita*, debate them;' when the member for Wiltshire not only closed discussion on these points, but started in the place of them a discussion of quite other temper, 'whose spirit,' says Eliot, 'once up, was not so easily conjured down.'



Seymour was a man of great powers and high social position. The third son of Lord Beauchamp of the famous family of the great protector Somerset, he was younger brother to Arabella Seymour's husband, and, upon subsequently going over to the court at the meeting of the parliament in 1640, became Baron Seymour of Trowbridge. He was probably first driven into opposition by the court's harsh treatment of his brother; but while he continued with the country party he displayed a striking ability and rendered effective service. It was he who had proposed in the previous sitting the limitation to one year of the tonnage-and-poundage bill; and upon his arrival in Oxford for the present sitting he was, if the lord-keeper is to be believed, the first member whom Buckingham's creatures had tried hard to get upon their side. He was now about to show how ill their success had been; 'and this he did,' says Eliot, 'with much boldness and some asperity.'

He began by saying that he could discover no other reason for that assembly than the corrupt gratification of some who desired to put a jealousy and dissension between their sovereign and his subjects. The declared object was money. But the king had professed himself content with their first grant at London, now in course of collection; and even if more should then be given, it could not be levied till the raising of the other subsidies should be over, and against that time in the ordinary course they must have met again. It might be said that on a vote of the house to give, there would be credit to raise what was wanted; but what an argument was that to the dishonour of the king! It was in the general affections of his subjects that a king was rich. A particular declaration might show him entitled to a part, but the other made him free of the whole; and all that his subjects possessed belonged to the monarch who could show any true occasion for such service. But that the small sum named, the forty thousand pounds of which they had heard, and which he blushed to think of, that *this* should need a parliament to procure it, were to exhibit too great a show of want and poverty in the government. Where was that old treasure of the kingdom, THE REPUTATION OF THE STATE, which the times of queen Elizabeth enjoyed, when the least of many ministers of hers, if there had been occasion, could of his own credit have supplied a greater sum than this? Where were the days when that famous, never-to-be-forgotten princess, having no want, nor use, but only in prevention of her enemies, took up at once of the moneyers then in Germany almost all the coin of Christendom? Where was that credit now? Where were such examples in this age? He doubted their worth and fidelity were gone. The present ministers, he feared, were the men who had themselves brought to their master his necessity; who, by unnecessary prepara-

tions, had exhausted his treasures and spent his revenues; and now, conscious of faults so committed, were seeking to colour them by some others, and, if they could, to lay the blame on the commons of England. The gentleman that spoke on the previous day had talked to them of peace in France, and of a late reconciliation for the protestants there: but who knew not the violence against the huguenots at present? *who did not wish that our own ships might not be made abettors in that violence?* Within the recollection of them all, five subsidies and three fifteenths had been given for the succour of the queen of Bohemia. In what had she been thereby bettered? What had been done therewith worthy of the intention? No enemy was declared, nothing attempted, but the consumption of themselves. Happy the prince who was counselled by men of worth and knowledge! miserable he who rested on the confidence of men that could but beg or flatter! glorious the memory of a queen who could be munificent to her servants, by feeding them not on the marrow of her subjects but from her own stores! Nor would he despair to see the like glory and greatness wait upon that prince from whose true service no dangers should deter them, if he would but give them leave to do somewhat for their country, whereby it might be enabled, through them, to yield him seasonable supply.

This speech dismayed the courtiers. They had not considered the third course it presented to them, of refusing to give, and yet (for the reason that only by redressing grievances could they be qualified to give) of continuing to sit. With the weapons they had hoped to use against others they found themselves assailed, and their own pretences turned against them.

'That charge,' continues Eliot, 'upon the ministers of state; the sally on their councils; the parallel of the times; was no good music in their ears. All mention of the elders had antipathy to them, and the glories of that princess were like basilisks in their eyes. The mention of "flattery" and "begging" also was known to have reflection on the favourite; that boldness gave suspicion yet of more; and to prevent it, and what was like to follow it, the chancellor of the duchy did stand up with reasons and persuasions to stay the storm.'

Sir Humphrey took up at once the subject of the war-expenses and preparations, confining himself to it, and avoiding all reference to Seymour's startling allusion to the huguenots of France; for the reason doubtless that though a member of the council, he knew much less of Pennington's story at this moment than either Seymour or Eliot. In the few first words he uttered, he separated himself from Conway and Cooke. They had left it to the option of the house whether the war-preparations were to proceed or be abandoned; whereas May began by declaring that if the credit of all that

had been done should be lost, it would be a general loss to the honour of the nation, and impeach the fame and esteem which were the life of every state and government. He went over all the old ground in proof that they could not desert their allies, and ought not to recede now. It was no excuse for such a course that they knew not the means, or disapproved the men, whereby the design was in progress. He would give them a different example from times that were precious in their memories. When the earl of Devonshire went deputy into Ireland, the court and the council were opposed to him. But when the Spaniards joined the Irish rebels at the memorable siege of Kinsale, the court, though enemies to the lord-deputy, yet furnished him with all things needful in that hour of danger; and Lord Salisbury, then lord-treasurer, took pride to himself and the council that the deputy could not complain of *them*. Nothing had been wanting of their help, and if there were miscarriage, the blame must be his own. Let the house profit by that example now. Let them agree to make supply, and lay the burden of its proper use on others. Sir Humphrey was never without store of apophthegms, and with one he concluded, warning them that they incurred more danger in being reserved than in being adventurous. Money given there might be cast into the sea, and so some treasure lost; but not given, posterity might have to rue it.

‘The wit of this gentleman,’ says Eliot at the close of his report, ‘always drew the attention of the house, though his motions seldom ‘relished it.’ As he had been a servant to Elizabeth’s deputy, bred under his command and with him in those troubles, his illustration had excited interest, but no man felt it to be properly applied. The general tone of his speech, however, in direct contradiction as it was to those of Conway and Cooke, gave rise to much speculation. Could it really be desired that a pretext for dissolving the parliament should be afforded by its denial of supply, when the chancellor was now so urgent the other way?

‘The desire and expectation of denial,’ says Eliot, ‘which most men did believe, seemed to have a contradiction by his way, pressing so directly for supply, he being no stranger to the cabinet. This caused a distraction in some thoughts, that by the superficies judged the body; but those that took the dimension of all parts, in the depth thereof found another sense and meaning: which was, but to qualify the jealousy conceived, and to divert that consideration of the councils, which he perceived, having a sharp judgment and inspection, had so inflamed the affection of the house that no small matter could allay it.’

This view was confirmed when Edmundes rose after May, and throwing aside altogether the limit first proposed, substituted for the forty thousand pounds a demand for two hundred thousand, or two

entire subsidies and two fifteenths. Eliot tells us afterwards that this had not been done without previous application to Buckingham, who replied simply that the more they asked, the less likelihood there was of obtaining it. 'They would but hasten the denial the sooner 'by enlarging the demand.'

But it was all in vain. The morning had passed in fruitless attempts to undo the mischief done, and there was yet no sign of yielding. On the contrary, excitement was manifestly on the increase, and was finding expression in unaccustomed language. A motion was made for adjournment till next day; but in place of this it was resolved to meet again that afternoon; and they then reassembled accordingly, for an ever-memorable debate.

At this point Eliot stops to indulge in a tone of reflection interesting in itself, and showing decisively when his memoir was written. Buckingham had fallen by the hand of his assassin, at what seemed to be a time supremely testifying to that continued predominance over the king which the noblest of his subjects had failed even to weaken; and Eliot makes no attempt to conceal, what no one thoroughly acquainted with the period can doubt, that the miserable fanatic who committed the murder acted as much under the incentive of public hatreds as under that of his own wrongs, and that among Felton's contemporaries the disposition largely existed to account his deed in the nature of a judgment rather than in that of a crime. Again referring to the speeches of May and Edmundes, he adds:

'But that labour was in vain. The quarrel being begun, all men were apprehensive of the injury, and many did express it. So hard it is, where public wrongs are done, to keep them from vindication or complaint. Minions may enjoy the favour of their masters; but if they once abuse it, no privilege can protect them. The subjects' cry will follow them; and if it prevail not upon earth, heaven will hear and help them. Justice is provided for their adversaries. Seldom they escape it here; never hereafter. Vengeance does attend them; and when the offences done are so hardly left unpunished, this should make them more cautious in offending. The meeting of the commons might have been prevented with much safety; but, being met, that crime was thought unpardonable. He that was the occasion of the trouble must have his share therein, and by that means or more, till the measure of his iniquities was full; and then Vengeance must surprise him like a whirlwind, and no favour or greatness may deliver him. But as his merit, such must be his reward.'

IV. *A memorable Debate.* ÆT. 33.

Upon the reassembling of the commons after the dinner-hour, Sir Robert Philips arose; and before he resumed his seat, the relations of the country party to the government, and of members in the house to each other, had been changed more decisively than in any previous parliament within memory. The leaders, taking up for the first time a compact position together, had abandoned the question of mere giving or refusing to give, of being subject to this or that personal caprice of a minister, and had taken their stand upon the broader ground, on which the conflict thereafter was continued and fought out, of the subjects' grievances and claims to redress, and of the old right of parliament to offer advice to the sovereign. Eliot prepares his readers for 'a high strain of eloquence by that master of expression, Sir Robert Philips,' and is careful even to describe the unwonted gravity of manner and seriousness of preparation displayed by him on this occasion.

'Casting his notions into a quadripartite division, for method and order to his speech, in more than wonted gravity, to raise the expectation of his hearers, having composed himself, thus he spoke.'

First he took the fact of their having been assembled after so brief a recess, and at that place. It was to him, he said, not inferior to a miracle. He adverted to the satisfaction that had been expressed in their work at London, so that no king's servant, nay, if they must be distinguished, no minister of state, but approved what they had done. He reminded the house that his majesty himself had given acknowledgment thereof in suggesting adjournment for preservation of their healths, which he balanced equally with the consideration of his own. Such having been the satisfaction of that time, and nothing afterwards occurring to account for alteration; no new enemy discovered, no new design in hand, no new danger pressing; yet were new counsels suddenly taken. Why, no man could judge.

Philips then, with extraordinary bitterness, adverted to the part played by Cooke at the close of the Westminster sitting, pointing by inference at the person of whose will and pleasure he had made himself the instrument, and illustrating a distinction, pregnant with infinite danger, between state-ministers and kings' servants.

Strange indeed was the precedent to which he had called their

attention. It was without example that, upon his majesty's acceptance of their gift, most of their members being retired, a proposition for fresh supply should be made in his majesty's name. Who was it that had done this? Who was it that had planned it, like a surprise of enemies, not an overture from friends? Yet even more strange had been the limit suddenly placed to their adjournment, and that unexpected meeting there in Oxford. As it could not be that the king should have such mutability in himself, was not the real cause manifest to them? To have the whole kingdom harassed for the pleasure of *one subject*. That a subject should presume to transfer his errors to a parliament, and the parliament be thought a fit father for such faults! All this, he protested, was beyond example and comparison. But the mischief was done, and he would rather now take advantage of such good as might be procurable from it. He was himself in no respect of opinion with those that were disinclined to continue to sit. He valued not his safety beside the safety and welfare of the kingdom. God had brought them thither; and as Joseph went for Egypt, by *their* coming, though unwished for, some glorious work might be. What was not intended among men, the providence of heaven could induce. *They were to act their parts, and leave the success to God.*

To the second division of his speech, which concerned the counsels whereby these evils had become possible, Philips next addressed himself. Well had he reason to remember what was suffered in that cause, when, for the opposition made in the parliament of 1620, their liberties were harassed and their persons in restraint, whereof, by the ill influence of those planets, he had himself borne a share. What ensued in the following parliament was fresh in all their memories; the desires entertained, the pledges demanded, the promises given and broken. He would name to them three for which, at the rising of that parliament, it was believed that security had been taken. The first was, that for prevention in the future no more such treaties might endanger them, but the prince should match with one of his own religion. The second was, that there might be such respect held to our neighbours and fellow-protestants in France, as to preserve their safeties who reciprocally were 'a safety unto us.' The third was, to maintain the religion of the kingdom, that the laws might have their life, and delinquents not be suffered to affront them. How these promises had *not* been kept, the certainty was, alas, too great. They knew what articles had been proposed for the Spanish match, and what conditions had been made at the French marriage they had too much reason to doubt. Let them look around them before it was too late. They would see the papists still increasing, the priests and jesuists growing more

bold, little done for support and much for discouragement of their allies, and coldness or indifference everywhere in place of warmth and zeal. Let them ask themselves by what counsels this was so, and allow reason to answer it.

The orator then took up, for his third division, the present state and condition of the people. He told the story of impositions, and of the title set up to a royal prerogative therein, from so early as the seventh of James. He described how the question had been handled in that house, and how argued and debated for the interests of the subject. He cited the resolutions passed declaring it their right, their inheritance, to be free; and with these he contrasted a series of acts deliberately committed in prejudice of that liberty. He dwelt upon well-remembered scenes in the parliament of 1614: when, upon a conference having been settled with the lords for which all the great lawyers of the commons, being appointed leaders, had prepared arguments to vindicate the subjects' rights against the pretended prerogative, a plan was hit upon for disposing of those elaborate reasonings in a manner much more effectual than by handling them in conference, it being resolved to burn the arguments instead of attempting to reply to them; and thereupon, in the presence of the council, before whom arguments, books, and records had been brought by royal order, while his majesty looked on through a hole of the arras from the adjoining clerk's chamber, a bonfire was made! As far, continued Philips, as present power might rule the judgment of posterity, it was then meant that the liberties themselves should be consumed, with the records and books that held the evidence of them. But straightway they rose again. Never had a large bounty been taken of the subject, as when two subsidies were given in 1620, as when three subsidies and three fifteenths were given in 1623, but surrender was exacted of the claim of the prerogative in that point. Nevertheless, so little had the bounty of the people availed, so little had been the regard given to their forbearance, that now while he spoke, and in violation of the law passed in the parliament last named, this grievance was still upon them; and a wrong had been added to it which never was before. *The dues of tonnage and poundage were at that instant in course of levy and collection without a grant from parliament.* Were power and force, then, alone to be extant; and was right to be held an impertinence to states? He declared it for his conviction that there had been more pressures on the people within the space of seven years then last past than almost in the seven ages next before it. Let them infer, from that, in what condition the subject now must be; what ability was left him, and what affection he was like to have! Was consideration of the state more encouraging than that of the people? He had shown them

the councils there monopolised, as the general liberties elsewhere. The whole wisdom was supposed to be comprehended in one man. Master of all favour, he was likewise master of all business. *Nihil unquam prisci et integri moris*, as Tacitus had observed upon the decline of Rome, *sed exuta æqualitate, omnia unius jussa aspectare*. Many were the councillors in name, but few retained more than the name. *Æquales ordinis magis quam operis*, as Paterculus had noted of the like. Their reputation might be somewhat, but their authority was small; and their affections as much under check as their greatness. Nor could any stronger argument be used to show the sickness of the state, than that which those very gentlemen had presented to them; that its credit was so weak it could not without a parliament take up forty thousand pounds!

Some uneasy expressions of dissent here falling from the councillors, Philips seized the occasion with the resource of a great speaker. He did not name these things, he said, to cast obloquy upon any member of that house. They bore other meaning to him. They were an argument that God was not their friend. By those abuses of favour among them, they had lost the favour of the Almighty. He was become their enemy; and unless they had peace with him, it was in vain to think of war with others. An inward preparation must precede, before their outward preparations could be hopeful; the watchman waking but in vain if the Lord watched not with him. Let no one, he added, closing in this most striking way the third branch of his address, be content to repose in a fancied security. *It might truly be held an impossible supposition that the English would leave their king*. Yet in respect of the great abuse of counsels, let the councillors then present bethink them who was indeed responsible; and that IF ANY MAN MADE A STAND, the blame must light on those who had occasioned it. If they would get heaven again upon their side, let them follow the examples of their fathers. The way of parliaments was the only safe one; and wherever the ill counsel was, it should be left to parliament to remove it.

The fourth division of this remarkable speech dealt generally with the matters embraced in it, and gave the orator's opinion on the whole. Let them not think that he desired to tread too near the heels of majesty. He craved only to keep majesty from danger. All things were now suffered under that name, and could they believe that the name itself did not suffer? There could be no greater wrong to the king than the injury of his subjects; and it was their duty, in that house, to vindicate both the subject and the king. He would not have them reason of what they understood not. Too much time had been wasted there in talking of the fleet, and whether the ships should go or stay. How could they judge, not knowing



the design? Let it be carried out by those who planned it; of the event it would be their function to judge; and meanwhile higher duties awaited them. The estate at home, the affairs civil and domestic, these were the proper objects of their cares. To settle the government of the kingdom; to rectify the disorders, to reform the grown abuses, to heal the divisions thereof: *this was their business*. And for this he would not have them think of parting, but would have them earnest suitors to his majesty that he give them leave to continue to sit. The great service they might thereby render to their sovereign would afford him more ample aid and credit than many subsidies could give. It would bring him whatever was needed now to clear the streams of his revenues, to refill the fountain of his exchequer, to replenish his exhausted stores, to collect his scattered beams. *It would lay at his feet the love and satisfaction of his subjects*. Desiring therefore that such might be the resolution of that house, he moved a committee to prepare, in accordance therewith, an address to the king.

The effect of this extraordinary speech, so quiet yet determined, so brief yet comprehensive, loyal in the highest sense but filled with the consciousness of power, earnest not less than eloquent, and pregnant with signal warning, was decisive in one respect. From the hour of its delivery the struggle between Charles and his parliaments took the form which, through many subsequent vicissitudes, assured to it its ultimate triumph. Days were to come in which this old boundary would of necessity be overpassed, but for the present the limits were defined, and the purposes declared. The narrow issue which Buckingham had sought to raise was put aside for ever. With the question of sitting or separating; of giving or refusing to give; of supplying the wants of the court for purposes not permitted them to discuss, or betaking themselves to their homes; of making laws to a minister's caprice, or not legislating at all; were now joined, in such wise that none might separate them, a quite different question. It was not to be a personal quarrel, little or great. It was to be a contention for the liberties of England in the interest of her king. Through the side of Buckingham it was hoped that these might be reached; and Charles was first to be saved from that evil counsellor. This was a novel turn indeed to the personal issue which the duke had himself raised in his interview with Eliot; and from this point, it is clear, he suf-

ferred that part of his scheme to drop. The daring and insolent expectation with which the houses had been so suddenly adjourned and so precipitately reassembled, appears now to have deserted even him. His plan had failed, after Philips's speech, even should they be dissolved at once; and that some compromise might be possible, so that they should not be dissolved without giving, seems clearly to have become, from the moment that Philips resumed his seat, an object of extreme desire with the rest of the councillors.

Never, says Eliot in his memoir, had disaffection declared itself in the house of commons with so much strength and sharpness. The mere injury of that meeting was forgotten in the entire prejudice of the time. For all the mistakes committed, for all the misfortunes suffered, both foreign and domestic, responsibility had been fixed upon the court. Its ministers and servants had usurped powers not belonging to them; had abused the favour of their prince; had drawn all things to their own desires; and had then yielded what was grasped to the disposal of one unbridled will. 'Against this prodigious greatness, which like a comet was suspected to threaten great disasters to the kingdom, the general intention of that house began then to be inflamed; and neither parting nor supply was any longer thought considerable in the case, but the reformation that was spoken of, the restoration of the government.' So violent on the sudden became the stream and current, that it was to be stayed at any risk; and to attempt to stay it, another of the privy-councillors stood up, Sir Richard Weston, chancellor of the exchequer. Eliot's remark thereon is farther proof of the time when he was writing. When the favourite was murdered, Weston had become lord-treasurer; and we shall find Eliot devoting his last speech in the commons to a warning of that follower of Buckingham against reviving the spirit of his dead master. In the same tone he says here that chancellor Weston now had 'to practise for others what he must after endeavour for himself. Such being the fatality of great persons, that example of misfortunes cannot move them. This man must see in others, what were the dangers of exorbitance; how Phaeton rose, and fell wanting a moderation to contain him; yet honour and ambition must transport *himself*, let fortune rule the rest!'

Weston's speech was elaborate, but made small impression after Philips's. As to religion, he doubted not the satisfaction would be speedy; and though he did not deny that the long time of peace had bred errors in the state by a too much dependence on treaties, it

was now for them to rectify those ills, and to seize the advantage 'under hope.' The leading reason he alleged as decisive for a farther vote of supply was the necessity of the work in hand; the cause of religion being in it and the general good of Christendom, besides the honour of the kingdom and restitution of their friends. There and then was the opportunity. Whatever might be contemplated as desirable hereafter, the time now was indispensable to the action in hand. Let them put other questions aside for the present, and speak only to that. Affairs abroad were not to be commanded. Other things might stay. Two subsidies and two fifteenths would be dearly purchased to be then withheld. The expectation of the world being upon that first action of the king, if he lost thus his honour, it was no small thing he parted with; it being the honour also of the nation, which had no medium between their glory and their shame. The fruit of their former labours was in that; and if they there should leave it, all their bounties were in vain. Moreover, not confirming then the counsels they had given, *beyond that day there would be no place for counsel.*

The sting of this address, its point as well as its meaning, was in its close. The final sentence was a threat. If they did not that day ratify what had formerly been advised, the opportunity was gone from them. Beyond that day there would be no place for counsel. Nevertheless, Eliot contents himself with remarking drily respecting it, that there being deemed to be in it less of prophecy than menace, the dislike it moved was greater than the fear. Generally it was noted, too, how much it varied from the speech which was made before the king, wherein thirty or forty thousand pounds was talked of.

'And all this,' he adds, 'quickening still the humour that was stirred, drew this expression farther from that great father of the law Sir Edward Coke, who in much observance to the house, much respect unto the cause, having consulted with his memory of the proceedings in like cases from the precedents of the ancients, made this introduction and beginning.'

An abstract of the speech follows. It was one of Coke's greatest efforts, and the imperfect fragment of it in the histories has led to many a regret that it should not have found completer record.<sup>1</sup> Now for the first time we may observe its general scope, and understand the effect produced by it.

<sup>1</sup> The editors of the new edition of the *Parliamentary History* (vi. 364) with some reason congratulated themselves on having been able, by the

He began by a precedent from the reign of the third Edward, when, the peace and good government of the kingdom, and the continuance of agreement between his subjects and himself, having been put in hazard by the conduct of his officers, the commons plainly told that powerful sovereign that until the doers of such wrong were removed, no subvention would be possible. If such petition might be made to such a prince, why in their own case should they fear it? In that confidence he would freely speak his heart, for the honour of his sovereign; and he proceeded to reduce his subject, through many divisions, to the question of whether they should then make an addition of supply, or by some other mode give subsistence to his majesty.

For the first he rendered his opinion frankly, *not to give*. It was not parliamentary to engraft subsidies upon subsidies. Were they then to give, collection could not be made until the spring; and let them remember the afflictions of the time; the interruption to trade by the pestilence; the shutting-up of London; and the consequent decay and poverty of the commons. Abundant were the examples of foretimes, to warn them never to press too far the people's ability to contribute. In the fourth of Richard the second, and in the third of Henry the seventh, rebellions followed. And when, in the fourteenth of Henry the eighth, the attempt was repeated, the collectors were all slain; nay, so fearful was the apprehension raised throughout the state, that to moderate the excitement the king had to disclaim the fact, translating it to his counsellors; who from themselves imputed it to the judges, by whom it was laid upon the cardinal. Thence might be estimated the dangers incurred at that time, by risking too great a load and pressure on the subject; and the same he held to be a reason irresistible against giving now. As for the argument of necessity, it was but the convenience of those who employed it. Nothing so easy as to retort that argument against the supply of the necessity pretended.

The great lawyer next took up the second branch of his subject, or the modes other than a subsidy by which subsistence might be found for his majesty. And here the reader has to remember that what is now called the civil-list was then unknown; that parliament had as little check over the private expenditure and gifts of the king,

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help of 'an old manuscript of the proceedings of this parliament,' to preserve certain strokes at the lord-treasurer and the lord-admiral not preserved in the fragment of Coke's speech contained in the *Journals* (i. 811); but a comparison of either of the fragments with the complete abstract now before the reader will show the value of what Eliot has preserved for us.

as over the sources of his ordinary income and revenue; that, from the absence of all necessary control over the farming of the customs and the distribution and sale of offices, the most frightful abuses were prevalent; and that the uncontrolled power of the sovereign over the enormous waste lands, parks, and forests, formed a subject of constant complaint as it was a fruitful source of oppression.

Coke began here by laying it down for his groundwork and position that subsidies were not proper for the ordinary expense and charge, but that provision, for this, should be in the ordinary income and revenue. *Commune periculum commune trahit auxilium*: common support and aid should be for common dangers. The proper store of princes lay in lands and revenues. Such was the institution of their government, and so had been the practice in foretimes. Three things, he went on to say, were requisite to a king, and for these there must be a constant ability in the state. The first, to defend himself against the invasions of his enemies; the second, to give help to his confederates and allies; the third, to reward the merits of his servants. Should any of these be wanting at this time, it was wanting to the king; no arguments were needed to prove this, which to the full he admitted; and there was a leakage in the ship of the state when so much could be said. But to repair the deficiency, to stop and not increase the leakage, and in the manner that would commend their work, they must first search the causes, and then propound the remedies; which, as his reason should suggest them, he now proposed to do.

For the causes he named eight. First, the frauds of officers and servants; instancing the farmers and collectors of customs, 'the customers' as they were called; of whom it was notorious that one farmer had been deriving to his private gain during the last seven years not less than 50,000*l.* a year. Secondly, the Spanish treaties; wherein was lost more than arithmetic could count, whereas from that faithless people nothing was ever got but by war. Thirdly, the erecting of new offices with large fees, and the continuance of others both unprofitable and unnecessary, indicating first among the latter the presidentships of York and Wales. Beware of such irregular jurisdictions, cried the great ex-chief-justice. They are a monstrous burden to the king and no less oppressive to the subject. A similar presidentship had been intended for the west, and, by an order of council in the thirty-first of Henry the eighth, was so resolved; but the wisdom of that county declined it, preferring to rest upon the common law of England. Fourthly, the multiplicity of offices in one man; who not only could not serve them faithfully, but excluded from them others worthy of preferment, whose rewards, such places being possessed, must come directly from the revenues of the crown.

Fifthly, the disorders of the royal household, through the abuse of such ministers as Cranfield and Harvey, who had been suffered to leap presently to the green cloth out of shops and warehouses in the city. Sixthly, excess of pensions and annuities, of which he declared that the state had then more charge than the whole government had borne from the conquest to that time; a market having been erected for such wares, which, by so being bought and sold, had grown into a perpetuity and continuance. Seventhly, grants for portage of money, carrying allowances of twelvepence a pound out of the revenues gathered; whereas the service might be done without the least deduction. Eighthly, grants of fee-farms and privy-seals; whereas gifts and rewards from the crown should consist of offices and honours, not of the royal treasures or inheritance. Such among others Coke alleged to be the causes of the waste complained of; and from thence he passed to consideration of the remedies.

He distinguished them, after the manner of physicians with their cures, into two, remoyent and promovent. For the remoyent, he would have the stated causes to be at once attacked by their direct contraries. The frauds he would expose and punish; the treaties he would abandon; and the needless offices, the oppressive and irregular jurisdictions, he would retrench: citing for this course precedents from nineteenth Henry the seventh and twenty-second Henry the eighth, when the like was done. The multiplicity of places held singly he would abolish; the abuses of the household he would rectify by recurrence to old institutions and forms; the annuities and pensions in excess he would remove; the portage of moneys he would supersede by directing the sheriffs of each county to bring in the revenues to the exchequer; and all royal largess, of whatever kind, he would be sparing of until treasure should abound: quoting for illustration what was provided by the statute of ninth Henry the fourth, 'that no man should beg till the king were out of debt.' Such for the remoyents having propounded, he handled then the promovents. First among these, he held that large augmentation to the crown, and benefit as well as increase to the kingdom, would result from the enclosing of waste grounds; the king having thirty-one forests, besides parks, containing a mass of land that might be brought into various uses, but which then yielded nothing but a charge. Secondly, the government of Ireland should be rectified. That government, in the days of Edward the third, when silver was but five groats the ounce, brought in more than 30,000*l.* a-year; whereas now, notwithstanding the increase in the value of money, its returns were worse than nothing. Thirdly, the king's rents ought to be improved. They would bear, he said, under proper management, an increase to a full third; and that in itself would be a large

addition to the ordinary revenue, which ought to bear the ordinary expense. But how should such improvements be effected? *There was but one way; by the selection of good officers and ministers, the incapable and bad being dismissed.* So, in the sixth of Edward the third, that king undertook it, and brought to an equal balance his expense and his revenue. So was it also accomplished and declared in the fiftieth of Edward the third, in the sixth of Richard the second, in the fifth of Henry the fourth, in the first of Henry the fifth, in the eleventh of Henry the sixth, in the first of Edward the fourth, in the first of Henry the seventh, and in the eleventh of Henry the eighth. It stood on record, moreover, in the roll of the twenty-seventh of Edward the third, folio 9, that that king, during fourteen years' war with France, had not once charged his subjects because he had good ministers and experienced officers. Upon all which, Coke closed with a desire that they should continue their sitting, to the end that the matters of which he had spoken might be considered, and time obtained from his majesty to treat and handle them.

The scope, gravity, and weight of this speech, Eliot remarks, had a prodigious effect; and there was one particular passage in it that more than all the rest seemed to gall the privy-councillors. Less on that account, however, does Eliot seem to have reserved it for separate mention, than because it had made special appeal to himself as a vice-admiral. It occurred where the great lawyer, dwelling on the incapacity of ministers, showed it by disorders in the admiralty, and by mismanagement of those naval preparations of which they had heard so much and which had done so little. It was a new fashion, he said, that had come up in such things. In the days of queen Elizabeth, the navy had other things to do than '*dance a pavine*,' lying upon the water so long time in readiness without action. But it was now, forsooth, the charge of his highness the lord-admiral. In the old time, that great place was not committed to such trust. Places of great title had always indeed been ready for enjoyment by great personages; but to offices such as the admiralty, it had been the wisdom of their elders to appoint only men of sufficiency and merit. Up to the twentieth of Henry the eighth, the masters of the ordnance were tradesmen; and after the nobility once possessed it, that office had never been well executed. Now, however, the most laborious and difficult duties were not

nearly enough for one grand personage. In the reign of Edward the third the admiralty was divided into the south and north, as being in the judgment of that prince too much for one command ; but now it seemed that the whole of this, and a vast many others added to it, were too little for one !

When Coke finished, it was expected that some councillor would have risen, whereas all of them on the right of the chair waited, considered, and spoke not. Members of the country party continued nevertheless to address the house, and among them, Mr. Alford, Sir George Moore, and Mr. Strode ; applying themselves chiefly to the two arguments of the courtiers, that the parliament was committed to what its predecessors had undertaken, and that the work to be accomplished was one of necessity. But at length the strange silence of the councillors was broken by the reëntrance, after brief absence, of Heath the solicitor-general ; and from what he said, taken with his near relation to Buckingham, we are led to infer what Eliot more plainly states ; that as, from time to time during this memorable day, notices of the debate and its incidents found their way to the minister, his arrogant self-confidence had been shaken. Heath fain would have blunted, with conciliating proffers and phrases, the keen edge turned against his master ; but it was too late.

He began by protesting for himself that having two capacities, one as a member of that house, the other as a servant to the king, he would without partiality express himself ; not as holding of Cephias or Apollo, but to the reason of the case and in the integrity of his conscience. Well, then, he held that they were bound by the declaration of the last parliament ; and in this view their grant at the last sitting was not a satisfaction, but an 'earnest.' The not knowing the enemy was but a point of form, of ceremony, at the most but a dispensation for the present ; a dissolution of the bond it could not be ; and he should himself humbly join with those who might be suitors to the king to remove that scruple of their jealousy, and let the enemy be declared. For the holding of places by men of no experience, he knew the person aimed at, as the house knew his own relations to that person ; but if he had been in fault, that was no reason why the public service should be prejudiced, or that this, which had the first claim, should not be preferred, and the particular complaint dealt with afterwards. Their enemies were armed, and



would not be idle, if they themselves sat still. The season of the year had been objected to by some, as if the time were past for the fleet to put to sea; but to this he answered that as the design was secret, the right season for it could not be known. A learned person whom he profoundly respected had compared the king's estate to a leaking ship, not to be ventured further in until it were careened; but if a leaking ship were set upon by enemies, it would not be the business of the crew to look to the stopping of the leak and let the ship be taken, but first to oppose the greater danger. Outward attempts were to be met, though inward diseases might brook delay. He concurred with the councillors, therefore, that it was fit, and should be the sole business of that time, to give; but for the quantum he would refer it to the house altogether.

The day was now far spent; no disposition existed to accept Heath's overture as anything conciliatory from the duke; and no attempt was made to resist a further adjournment of the debate to the following morning. The short interval of time was to be busily and anxiously employed by both parties.

#### V. *A Comedy ill-played.* ÆT. 33.

'The day being far over-spent,' says Eliot, 'much time and labour passed in those arguments and disputes, and many more intending still to speak, the house perceived the resolution was not near.' Plainly there was not any hope that a day might bring the debating to its close. It had assumed proportions too formidable for the old rules and limits.

Such a spirit, Eliot informs us, had never been shown in his recollection. In that Oxford divinity-school had been heard many a debate tough with the *οἶος* and *οὐος* of polemical controversy, but unknown to the old walls until now was the fierceness of a debate upheld by stern resolution and inflamed by passionate resolves. Never before, in any of the sittings at Westminster, had men so vehemently spoken out their differences, or so eagerly ranged themselves on opposite sides. Nor was this the sole or main distinction from previous periods of excitement otherwise resembling this. Much as they possessed in common, there was yet a marked peculiarity at present not noted in former times.

It was not, as Eliot says, that 'the courtiers, being fearful, grew exasperated for their friends, whom they saw aimed and pointed at, and did doubt some nearer touch.' It was not that the country party, as he candidly admits, 'by the opposition made more quick, in opening their grievances finding still more grievance, their own motions warmed them, and their affections were inflamed by reflection on themselves.' It was not even that what he describes as a sharper spirit, and larger issues, 'the danger of the kingdom, their own particular dangers, hazarded for the pleasure of one man,' had so generally embittered the apprehension of injuries and the resolution to requite them, that now hardly any 'neutrals' were left untouched by those passions or unsharing in that 'contestation of affections.' But what distinguished especially this time from the former were the efforts made to win these very 'neutrals,' few as they were. Nothing, Eliot tells us, could be more broadly marked than the two sides into which the house had now divided. 'Those whom no private interests did move were bent wholly to complaint; those whom the court possessed were as earnest to decline it.' But between them, divided by fear and ignorance, stood some in expectation of the issue, waiters on providence, 'without reference to the cause, but desiring to be with the victors.' In number they were few, 'the truth of what was urged being most obvious and apparent;' but though far from considerable in the question, they were important to the result, and extraordinary efforts were made on both sides to secure to either side their adherence.

In very presence, as we read, we see *government by party* in its germ; and the first shoots of that gigantic growth which has since for good and ill overshadowed England, are visibly starting up before us.

As soon as the house rose, the canvassing began. What had been violent to-day, all men felt would be more violent to-morrow; and the whole of what remained of the afternoon was spent by the leading members and privy-councillors in passing to and fro among the wavering and undecided, urging and pressing them to choose their sides. It was the afternoon of Friday the 5th of August, and 'either party,' says Eliot, 'in the remainder of that day so laboured the strengthening of their sides. Infinite was the practice used with all men, to sound and gain them; wherein the courtiers did exceed. No promise or persuasions were too much, to make one proselyte in that faith. Whom ambition had made corruptible, their offerings did allure; and what reason could not, hope did then effect.'

Yet the next day did not open hopefully for them. Besides the debate on supply, the Montagu affair had to come on again, and with exasperation from an untimely discovery. It is all passed away now, the *Old Goose* as well as the *New Gag*, leaving of the very names only their derisive sound: but it was serious then as life and death to pious protestant men, that such doctrines should find such favour; and that a partisan so reckless, under censure of the house and the displeasure of his primate, should be selected for religious duties about the person of the king. The good archbishop attended at the bar, but could add nothing to what formerly he had communicated; and Montagu himself kept away, alleging still a bodily sickness, and moving further the house's indignation by writing to their serjeant instead of petitioning themselves, as became a man under penalties for appearance. Then rose the member for Dorsetshire, Sir Walter Erle, to call attention to papers in his hand received from certain justices of his county, in which they described themselves to have found in the house of a disaffected person 'an altar, copes, crucifixes, books, relics, and other popish stuff;' whereupon, having committed the owner for refusing to take the oaths prescribed by the law, 'a letter was sent them from the court, signed by the secretary of state, requiring them forthwith to redeliver the stuff which they had taken away, and to set at liberty the party.' Very bitter comments were passed on this before referring it to the committee on the jesuit pardons; and, says Eliot, 'it wrought powerfully on the house, fomenting their jealousy, increasing the difficulty of atonement, and making the contestation far more strong.'

In this temper the debate on supply was resumed; when, after some sharp speaking, in the course of which Sir Henry Mildmay declared against any subsidy as long as papists were connived at; wherein Mr. Coryton was also for giving the first place to religion, and would have them proceed after the old parliamentary way; and in which Sir John Cooke, urging once again that a fresh subsidy would not clash in the collection with that already voted, was replied to by Mr. Strode who created no small merriment by asking how money payable more than a year hence was to supply a fleet that was to go out in fourteen days,—Eliot rose with a proposition for an address to the king for permission to continue to sit. He spoke briefly; but insisted that this was a point requiring to be decided before the vote on supply was taken, because the means to be really depended upon it. He was followed by Sir Nathaniel Exelby, the member for Harwich, who supported the proposition, and in column a paper, doubtless a result of the previous night's consultation gave heads of subjects to be considered and decided on, before

voting further subsidy; and Eliot proceeds to name these in his memoir, not directly stating that he had been concerned in preparing them, but suggesting it, and explaining why another had submitted them, in the remark that his own connection with the service of the state made him more zealous to rectify its disorders.

They comprised religious grievances; the preparation for hostilities; the disorders in public affairs; his majesty's revenue; and that corrupt revival of impositions which left no man able to say what truly was his own: Sir Nathaniel closing his statement preferring them, by declaring that in form they were strictly parliamentary; that nothing was further from intention than to put them forth as a 'capitulation' with the sovereign; and that without some help therein the kingdom could no longer either supply the king or support itself.

No reference of any kind, it is very observable, was here made to Buckingham; yet so far from this being accepted as conciliatory by the duke's 'privados,' it seems to have alarmed them as a danger lurking or concealed. Rich had scarcely resumed his seat, when the member for one of the cinque ports of which the duke was lord warden, Mr. Edward Clarke, undertook to prove that what they had just listened to was only another form of the '*bitter invectives*' launched against the lord high-admiral on the previous day; and Eliot thus describes the curious scene that followed:

'At which being interrupted by a general exclamation of the house, to preserve their wonted gravity and the dignity of their members he was cried unto the bar. Upon this he was withdrawn for the consideration of his punishment, that had not more expressions than new ways. Many delivered their opinions, and most, different. Some to have him excluded from that house, others for ever to debar him. Some likewise did propound an imprisonment and mulct; and with variety in those both for the place and sum. Others more favourable, moved only for an acknowledgment of his fault; and that also with some difference. Some would have had it acted at the bar, others but in his place. And there wanted not, that would have wholly had him pardoned, and perhaps that scarcely thought him faulty. But the received opinion was that which divided between these: not to make the severity too great, lest it might relish of some spleen, nor yet by lenity to impeach the justice of the house, but that the example might secure them from the like presumption in the future. Therefore his censure was, to be committed to the serjeant, and there to stand a prisoner during the pleasure of the house: This being so resolved on, the delinquent was called in, who, kneeling at the bar, had that sentence there pronounced; and so the serjeant did receive him.'

Thus ended the strange scene, and the day's sitting unexpectedly prolonged by it; but not so the effect produced. The moderate section of the privy-councillors went that afternoon to the chief minister

with a compromise. It seems probable, from Eliot's description, that May had brought them previously to consult with *him*; but the extent to which he entertained it, or whether at all, does not appear. It does however seem that the duke himself did not immediately reject it. The events of the three preceding days had been so unexpected, the tone taken so unusual, the prospect opened so fraught with scarcely definable danger, that a bolder man might have paused at the issues raised; and, observing now that the house had not hesitated to make prisoner of one of his agents and friends, might with reason, as Eliot remarks, 'think it necessary, even for him, to reflect more sensibly on himself, and by his neighbour's fire to think his house in danger. Certainly all his adherents told him it was an approach upon his safety.' Eliot adds an outline of the proposal and of its fate.

'The advice he had was, much to endeavour an accommodation with the parliament. The errors most insisted on, were said to be excusable, if retracted. That the disorders of the navy might be imputed to the officers. That the want of counsels might be satisfied by a free admission to the board: The greatest difficulty was conceived to rest in religion and the fleet: for the first, the jealousy being derived from his protection given to Montagu; for the latter, that it had so unnecessary a preparation and expense. And yet in both that there might be a reconciliation for himself. Sending the fleet to sea, and giving others the command, was propounded as a remedy for the one: having these reasons to support it, that the design could not be known, nor, if there wanted one, that judged by the success; and the success was answerable but by those that had the action. For the other it was said, that the leaving of Montagu to his punishment, and the withdrawing all protection, would be a satisfaction for the present; with some public declaration in the point, and a fair parting of that meeting, facilitating the way to a future temper for agreement. Though no denial could be looked for in the resolutions of the parliament, the fleet must needs go forth to colour the preparation, and the return might yield something to justify the work; at least in excuse and apology for himself, by translation of the fault. Those and the like counsels were presented to the duke, and wrought an inclination for the instant that gave his friends some hope. But those that were about him gave it an alteration in the cabinet. So unhappy are great persons, to be obnoxious to ill counsels; and come by every air of flattery to be movable, not having constancy in themselves. Of which the duke was a full character and instance; and being uncertain to his counsels proved unfaithful to himself. He had once determined to be guided by his friends, but his parasites were more powerful; which then increased his troubles, and after proved his ruin.'

The parasites had a plan of their own. There should be another field-day in Christchurch-hall: the king not to be present, but in his place the duke with the lord-keeper in waiting upon him, the principal secretary of state for subordinate points, the lord-treasurer for

finance, and the well-known 'old artist'<sup>1</sup> for any emergency. Honourable members hitherto had kept all the eloquent speaking to themselves, but now his grace in turn would display a little eloquence and skill, and shoot some arrows of his own. None of them were like to miss the mark, but there was one that was sure to strike home. 'To which end,' says Eliot, 'was hastily prepared (for all things were ready at his beck) the king's answer to the petition for religion, then to be presented by his hands, as the influence of his labour; robbing his master both of the honour and the work.' That the house should make further stand after a triumphant effort of this sort; that it should be able any longer to keep its 'harboured jealousies' together, or have sense enough to see through the comedy artfully and pleasantly played before it; was not supposed possible. 'So ignorant are such parasites,' continues Eliot, 'in the knowledge of great counsels, that what in their weak judgments does seem probable, they think feasible with others; like conies having scarce a shadow for their ears, who take all their bodies to be covered.' So it was settled, therefore; and the duke and his friends, being all of them in this highly exposed condition, were to carry both houses by an invisible manœuvre at the performance to be presented on the next day of meeting.

Scarce were they met accordingly, the commons in the divinity-school and the lords in the gallery above, at eight o'clock in the morning of Monday the 8th of August,—Wentworth and Fairfax, having carried Yorkshire at the new election, had entered and taken their seats; and there had just been time for Mr. Clarke, the delinquent at the previous sitting, upon his knees at the bar to make atonement for his offence,—when, says Eliot,

'A message was pretended from the king for a meeting of both houses. The occasion intimated was some general declaration from his majesty, which being to be delivered by the duke, the lord-treasurer, the Lord Conway, and Sir John Cooke, it was desired both of the lords and commons respectively in their places, that their members might have license for that service: the former exception<sup>2</sup> having been an instruction in that point. The place appointed was Christchurch-hall; and leave being given as was desired, but to the commons members only as king's servants, all other things were left, and every man addressed him to the place. Some doubt there was for form upon the message to the commons, it making mention of both houses; and in that case the speaker must have gone, and his mace been borne before him. But it being resolved that the committee only were intended, that ceremony was left.'

The lords and commons being thus brought together, Eliot tells us that many smiled to see his reverence the lord-keeper become

<sup>1</sup> Sir John Cooke, see ante, pp. 175, 204.

<sup>2</sup> See ante, p. 204.

usher to his grace the duke. In their relations at the time it was doubtless a mortification; but the bishop might console himself by thinking that he had secretly blown the coals to some effect against the duke, though at the cost of burning his own fingers, and even the shabby part at present assigned to him he could gloze-over with a show of dignity. After informing the committees that the duke was about to deliver to them his majesty's answer in the matter of religion, and some other things of special importance, he added that 'this he was, *by the king's command*, to intimate. Which,' Eliot interposes, 'some believed; and no man doubted of the meaning. All men did see it studied for protection and redintegration to himself out of bitterness to follow. It was as a fomentation to an ointment, or like to pills that have some sweetness over them to make their reception the more easy.' Everyone knew, in short, that this fresh exhibition at Christchurch was entirely got-up by Buckingham and his people; that he had invented the comedy, dressed the actors, and with his own hand made-up the nauseous pill which Williams had swallowed by way of prologue or opening scene.

Main contriver and principal actor, the duke followed. Professing that he had neither rhetoric nor art, and therefore it fell fitly on him to speak for a king who desired to deal plainly with his people, he directed the petition for religion to be read, and then, paragraph by paragraph, intimated his majesty's assent thereto, and that he should take means to comply with its requests. The words were very fair, says Eliot, but the speaker spoiled the effects. 'Whatever might be promised in the words, the act of delivery did impeach it; and much of the hope and expectation in that point the form and circumstance did obliterate.'

The duke's next subject was the state of affairs in Christendom at that moment of time, which, after declaring to be little short of a miracle when contrasted with what it was at the meeting of the last parliament, he proceeded modestly to ascribe to his own counsels and resolutions. At that time the king of Spain was master of Germany, the Palatinate, and the Valtelline. But now the Valtelline was at liberty, war raged in Italy, the king of Denmark had a considerable army, the king of Sweden was declaring himself, the princes faithful, the Union were taking heart, and the French king, leagued with but his part and Venice, was fighting Spain. A flourishing picture in- and after which might well have impressed the country gentlemen!

The part served in it, says Eliot, field-day in which of arrogance; usurping to himself the work which time and place the duke effected, and turning fortunities into glory. Those things principal secretary of to his projects but in the concurrence of the time. The men moved on other reasons of their own that embroiled

them with the Spaniard. With France the duke of Savoy and the Venetians had joined for their own interests and safeties; and it was their work, and in contemplation of themselves, by which the Valtelline was set at liberty. And if the king of Denmark did declare, or Sweden, who was then scarcely heard of (*so envious was time unto the honour of that person whom fortune and virtue had reserved for the wonder of the world*),<sup>3</sup> yet it was known to be in affection to the Palsgrave, though at the instance of his friends; not induced by him or any opinion of his merit, which moved as little with the other German princes.'

Matters of complaint against himself and his majesty were next taken in detail; the duke premising that if he should give ear or credit, which he did not, to rumour, then might he speak with some confusion, but that he recovered courage and confidence when he consulted the integrity of his own heart to the king and state. His courage was greater than his confidence could have been, however, when he came to speak of the ships sent to Rochelle. He had sufficient boldness to say deliberately that the ships *would not* be employed against the huguenots, but he did not venture into any detail. It was not always fit, he remarked at this point, for kings to give account of their counsels. Lookers-on were to judge the thing by the event. While we heard this, says Eliot, we had 'present news from Rochelle, which we had always aided, that our own ships *were* intended against them, and our own arms to be turned against our friends.'

The Olivarez business was handled in more dashing and decisive vein. No cause had he to hate Olivarez, who, in making him popular throughout England, made him happier than all the world beside, *gaining him a nation*. He could forgive his enemies. He would leave that business asleep, which, if it should be awakened, would prove a lion to devour the author of it. He meant one of their own countrymen<sup>4</sup> who acted for the Spaniard. But this lofty strain was not reckoned successful, on the whole; it was flying too high for the effect desired. 'The expression that he had gained a

<sup>3</sup> This is one of the passages that determine the date of Eliot's MS; proving it to have been written amid the victories and yet living fame of the Swedish hero. Gustavus fought his great battles against Tilly and Wallenstein between 1630 and 1632, and fell on the field of Lutzen on the 6th of November in the latter year, exactly three weeks before Eliot perished in his prison. 'Never,' exclaims D'Ewes, writing soon afterwards, 'did one person's death in Christendom bring so much sorrow to all true protestant hearts; not our godly Edward's the sixth of that name, nor our late heroic and inestimable prince Henry's; as did the king of Sweden's.' (*Autobiography*, ii. 86.) One could have wished that Eliot might have been spared the sorrow.

<sup>4</sup> Lord Bristol. See ante, p. 53.



'nation,' remarks Eliot, 'was so boasting and thrasonical, that it seemed most ridiculous; as if nations had been the game and play of favourites, who won or lost them after their fortunes or their skills.' Nor was he more happy in other allusions; as to which it will suffice for the reader, and not be unjust to the orator, to give merely the comment accompanying them in Eliot's manuscript.

'The mention of his own approbations and applauses was thought too near self-flattery not to drown the reputation of their truth. Many insulencies besides were obvious that had as ill acceptance. As that, where he summed-up the whole business of our meeting, pretended to be an invitation from the king, by calling it an account of his own actions. And that other, stating his preparations at his going into France, where he made, as it were, the king his deputy in his absence to intend the progress of the work. And that intimation for his enemy at home, that he could prove a lion to devour him. And that, as rash and indiscreet, where he ranks the marriage of the queen with those he styled the unfortunate accidents of that time. All which seemed too insolent and presuming. And so many things were judged imperfect in his answers, that many scruples more were raised than his endeavour had resolved.'

The comedy had failed, in short; nor was it possible that it could have succeeded. Everything said by Buckingham bore so exclusively the stamp of personal vainglory, that the leaders of the commons could not have desired a completer justification. No grievance being admitted, and no faulty administration confessed, there was of course nothing to remedy or redress in the past, nothing to secure for the future. We have spent so much money, and want so much more; here are our accounts, and there is what we have done; supply us, and you shall see what we will do for you hereafter. Such, with the addition of assurances about religion in which no man believed, was the substance of the duke's speech, and of the accounts of expenditure with which the lord-treasurer Conway and Cooke followed, carefully throwing no light on what parliament had a supreme interest in knowing.<sup>5</sup> And that was what the picked men of the two houses had been brought together to listen to.

<sup>5</sup> The kind of light they did throw, and the financial subtlety of the duke and his accountants, may be judged by one of the remarks made by him upon the great superiority of fitting-out naval expeditions, and creating a military diversion that way, over the plan of subsidising continental allies by money-payments. 'By this kind of war you send no coin out of the land; you issue nothing but beef, mutton, and powder; and the kingdom is not improverished but may make good returns.' Beef, mutton, and powder are of course mere nothing, and grow of their own accord!

To put in contrast, however slightly, the audience and the actor, is to perceive that agreement had ceased to be possible. Among that audience were men of the first rank in England by wealth and birth, and in statesmanship and intellect having no superiors in the world. Their bitterest opponents have conceded to them the possession of the most uncommon capacity and the largest views; have described them as animated by a warm regard to liberty; and never have denied their various attainments, their aspiring genius, or their independent fortunes. On the other hand was a man sprung to power upon 'no other advantage or recommendation than the beauty and gracefulness and becomingness of his person;'<sup>6</sup> exercising it confessedly as favourite to the king, rather than as servant to the state; holding in his single person the highest offices of the realm; and assuming a right to tell these parliamentary leaders, as in substance he did, that if a parliament was to continue to sit in England, it must act with him, and follow only where he was ready to lead. It would be idle to say that Buckingham had not many fine qualities, as well as superb accomplishments. He had more of the splendour of ostentation than of a large or liberal generosity; but he did not care for the money he lavishly and wickedly wasted, and he had that dauntless courage which exercises an extraordinary charm when found beneath an exterior almost handsome as a woman's. He is the only instance in our history of a man arriving at the summit of power without either qualities to command or a struggle to obtain it; and the consideration that it was literally thrust upon him, may plead for many imperfections in the use of it. But it is also in another sense decisive against his capacity. He had the defects of inordinate vanity, of a will that suffered nothing to resist its unbridled indulgence, and of a nature that could never expand or enlarge in a degree corresponding with his elevation and opportunities. The favour of kings had only lifted him out of reach of the equalities of friendship. Both Clarendon and Wotton say that he wanted friends to advise him; and this is only another form of what is said by Eliot, that he preferred to

<sup>6</sup> Clarendon, *Hist.* i. 13; and see his 'Disparity' in *Reliq. Wott.* p. 194.

take advice from parasites rather than from better counsellors.<sup>7</sup> Hence he never got beyond the court or understood the people, could never truly distinguish between the frivolous and the great or assign to them their proper proportions, but remained to the last a mere king's minister. To a statesman in his place the transition from the old to the new reign would have suggested much; but that the gentlemen of the house of commons were become more troublesome, was all it suggested to him. That the age for favourites was past, and that sort of government at an end, he could never see; and the ignorance was his doom. Unintelligible would have been to him what Eliot says to us,<sup>8</sup> of the old genius of the kingdom reawakening; and still more so to have said to him, when he spoke of gaining a nation, that he had then of himself done much to overthrow all further governing without regard to the nation. Even during this sitting of the parliament at Oxford he had received a sharp lesson; and its effect upon him had not been to show him his danger, but to put him upon another kind of exercise of his skill. He meant to have broken the house of commons before their debates began, and, now that they had said their say, he still believed himself able to do it.

Upon only one point he was driven to change his course. From the first the destination of the fleet had been settled between himself and the king; and the trick of concealing it from both council and parliament was but part of a planned design, having in it, as will shortly be seen, very little of the statesman and very much of the buccaneer. But though he could still

<sup>7</sup> 'Delighting,' Wotton himself says, 'in the press and affluence of dependants and suiters, which are always the burrs and sometimes the briers of favourites.' Parallel in *Reliq. Wott.* p. 183, ed. 1672. It is worth adding Clarendon's remark: 'His single misfortune was (which indeed was productive of many greater) that he never made a noble and a worthy friendship with a man so near his equal, that he would frankly advise him for his honour and true interest, against the current, or rather the torrent, of his impetuous passion.' *Hist.* i. 55. Sir Simonds D'Ewes has a remark (*Autobiography*, i. 388) to precisely the same effect, derived from one with whom Eliot was always in close and friendly intercourse (Sir Robert Cotton), and expressed in almost the very words employed in Eliot's memoir.

<sup>8</sup> Ante, p. 128.

keep-up the show of mystery, and, as Eliot puts it, with scarce a covering for his ears suppose his whole body under shadow, he dared no longer, after the questioning and replies in parliament, interpose farther delays to employment of the fleet, whatever its design might be. He told the committees, therefore, that it would shortly sail, under a commander to be immediately appointed; for to that suggestion, in the otherwise unsuccessful advice of his fellow-councillors, he had found it convenient to give way. But even this was not announced without offence. Affecting to have complied with the conditions making the council of war responsible to the commons not only for the objects of the war but for all its disbursements, and subject to control at every step in the conduct of hostilities, he was promptly contradicted by a member of the council itself, Sir Robert Mansel, holding no less high a rank than that of vice-admiral of England, who declared that the council had not been asked to sanction any part of the preparation, and had even yet no knowledge of the design.

The old seaman, who was not himself present in Christchurch-hall, was not to hear till the following morning of the abuse of his distinguished name: the afternoon having been so far wasted at the close of the conference that the committees did not return to their respective houses that day. They broke up, to meet again at eight the next morning; and in what reflections the interval was passed is described by Eliot in a few sentences, not the least striking of his memoir.

‘In the mean time those passages were revolved that had been delivered at the meeting, and divers were the apprehensions which did follow them. That the lord-keeper, the prime officer of the kingdom, should be made subservient to the duke (for so the act imported, being but an usher to his business), was thought preposterous and inverted. That the king’s name must be a servant to his ends, under colour of some declaration from his majesty to exhibit an apology for himself, seemed as a kind of wonder. That the whole parliament should be made attendant upon him, was not without a strangeness, the like having seldom been before. But portentous above all it was thought, that Religion should be descended to his use, and that which admits no equal or compeer to troop-up with the rabble of his followers. This was thought much in him so to assume and take it, but more in those that made that concession to his power.’

VI. *Serious Afterpiece.* *Æt.* 33.

Reports from the committees of the speeches of the previous day occupied the morning of Tuesday. This formal business done, the members were addressed in eager strain by treasurer Edmundes, who thought they could no longer hesitate about supply, after so gracious an answer in the matter of religion. Hesitation there was, however, for none of the leaders rose to speak. But the member for Chippenham, Sir John Maynard,<sup>1</sup> got up to say that he did not like naval expeditions against unknown enemies, yet, since giving was adding spurs to the sea-horse, if there were an open war and an enemy declared none would more willingly give than himself. As matters stood, he did not see how they were to give. A subsidy upon a subsidy in the same session was without a precedent, and a subsidy in reversion they would find to be of dangerous example. Here-upon started up another lawyer, Mr. Mallet, 'in haste to purchase 'some credit by devotion,' and in his haste employing a very unlawful-like argument. He reasoned by a precedent against precedents. Precedents were at the discretion of all times, he said. The bill of tonnage and poundage lately voted they had limited to a year, which divers ages past had been for the sovereign's life. The grant that begun it first for life was also a varying from its elders; and from this he inferred change and alteration to be applicable to all times, and that the precedent of one was not the practice of another. In the case before them he would counsel them to use the like liberty as their fathers.

'Which I observe the sooner,' says Eliot, 'for the quality of the man:<sup>2</sup> that he whose profession was the law, and on which ground he built all the good hopes he had, should argue against precedents, which are the tables of the law; and so, unlawlike, term every act a precedent, making no difference between examples and their rules.'

Mr. Mallet had in any case made a remark which, though not helpful to his object, was not without solid results. Nothing was then said in reply to him, for adjournment was immediately moved; but throughout what remained of the brief life of this parliament, precedent after precedent in complete

<sup>1</sup> Not the serjeant Maynard of later years, but an Essex man, second son of Burghley's secretary, and brother to the first Lord Maynard.

<sup>2</sup> Mallet was a man of some note in his profession, and reader at the Temple when D'Ewes was in the habit of attending. (*Autobiography*, i. 296.) He died early.

array poured forth, as the armed men sprang beneath the feet of Cadmus. One might fancy it only wanted that doubt of their value to bring the leaders together to produce, compare, and marshal them for immediate use. Nor is it improbable that at least two of the leaders did so. Already Eliot had been working with Sir Robert Cotton in preparation for the next debate, and we shall see with what result.

It is a question of which the interest has not yet departed. What Mr. Mallet said is indeed answered sufficiently by Eliot's brief comment; but it is more important to note what he abstained from saying. To this lawyer it did not occur in those old times, as to philosophical historians since, to take the ground of denying to the seventeenth century its competence to guide itself by the acts of the fourteenth and fifteenth. Nor will plain reasoning as to this be so likely to mislead as philosophy. The very alterations of time make-up the constancy as well as progress of the world. The men who, under the Richards, Henrys, and Edwards, governed England in our national assembly, not more truly, with their armed retainers at their back, represented and embodied the people in whose name they struck down favourites and shifted the crown from princes, than the knights and burgesses of the later day whom the changes of centuries had made depositaries of the same supreme power.<sup>3</sup> When the third parliament met, it was estimated that the commons might have bought-up the lords thrice over, 'and what

<sup>3</sup> 'All precedents of ancient freedom and right centered in them. It was nothing to them that their predecessors in the Plantagenet reigns had sometimes spoken with bated breath, and had been often reluctant to meddle with affairs of state. It was for them to take up the part which had been played by the barons who had resisted John, and by the earls who had resisted Edward. Here and there, it might be, their case was not without a flaw; but the spirit of the old constitution was upon their side. The rights which they demanded had been sometimes in abeyance, but had never been formally abandoned. What was more to the purpose, it was absolutely necessary that they should be vindicated if England was any longer to be a land of freemen.' *Prince Charles and the Spanish Marriage*, by S. R. Gardiner, ii. 151. I am glad to have the support of so able and original an investigator for the view taken throughout this work upon a matter of the last importance, wherein the justification of the parliamentary leaders altogether rests, and which is confused or misunderstood in all the ordinary histories. [1870.]

'lord in England would be followed,' asks the writer, 'by so many freeholders as some of these are?'<sup>4</sup> Principles are not to be swamped by time or vicissitude, or we should have lost our liberties long ago. It is their nature to expand to every needful occasion; and words which at the opening of the thirteenth century dealt only with feudal relations, the freemen of the middle of the nineteenth century acknowledge still as the charter of their freedom. Nay, from them may be drawn, even yet, additional securities; and for a future age it may be reserved to expound, and make practically useful to its entire extent, one of Selden's pithiest sayings: 'If Magna Charta were fully executed, as it ought to be, every man would enjoy his liberty better than he doth.' It is in any case very probable that he who has faith in precedents, unlike Mr. Mallet, and learns from them to study and venerate the past, will be all the more able to guide himself through present danger, and in no degree likely to act in it or judge of it more dependently. It was Philips who said to Coke, on a memorable occasion, 'If there be no precedent for this, *it is time to make one!*'

The debate of Wednesday the 10th of August, an eventful day which was to settle and unsettle much, was opened by a message from the king, delivered by chancellor Weston. The councillors, taking alarm at the previous day, had thought to expedite matters by a touch of regal impatience. His majesty therefore intimated that, taking knowledge of their desires to reform many things for his service, he was well pleased with the intention, but desired them to consider that the time now, with all its dangers, was only fit for present necessities; and if they would not supply him for setting forth the fleet, he must take more care than themselves for their safeties, and do as he might in such an extremity. But if they would supply him, he promised they should meet again in winter, when he would do whatsoever belonged to a good and gracious king; and he desired them to remember that this was his first request to them.

We knew well what this meant, says Eliot: we knew it was employed because the lord-admiral's conference had failed, and that it pressed exclusively the resolution to give, to 'prevent the consideration of grievances or matters of state, and by a denial of supply to colour the dissolution of parliament.' But as this was discovered

<sup>4</sup> Ms. Brit. Mus. 21st March 1627-28.

clearly, the more settled was the resolution, 'not to deny to give, but 'to show first the necessities of the kingdom.' Upon the instant, therefore, it was determined to prepare a counter-declaration in all obedience and loyalty promising in due time the necessary supply, but claiming of right to deal with abuses and grievances, and setting forth the supreme urgency for present reforms.

The master of the wards began the debate in a 'long composed oration.' Having been formerly public orator at Cambridge, and now representing that university, Sir Robert Naunton thought it his duty 'to render some demonstration of his skill; but found that the 'cold rhetoric of the schools was not that moving eloquence which 'does affect a parliament. His labour was more than his success.' Sir Roger North, who represented one of the Suffolk boroughs, followed in the same tone; with the addition that he professed himself so highly delighted by the lord-admiral's eloquence the previous day as to have formed the opinion that when so well-declared a logician, rhetorician, and charitable man asked them to give, they really ought not to refuse. This was a style of reasoning which another of the court speakers, Mr. Drake, the member for Lyme, improved upon by asking whether everybody would not be eager to give in case of an invasion; from which he inferred, Eliot drily adds, 'that 'the contrary being meant, the reason of contraries should persuade 'them. Such,' he continues, 'was the logic of the court. But those 'sophistries and sophisters, if they were worthy of that name, were 'not so much answered, *as confounded*, by what then followed.'

Philips at last addressed the house, and appears indeed to have spoken with surprising power, and a corresponding effect. Invaluable would have been the manuscript by Eliot, if it had preserved for us this speech alone.

When formerly they had given, he began, they had expectations for the country. What had they now? Nothing but discouragements. Pardons to jesuits, protections to papists, exanition of the laws, increpation of good ministers, interruptions of trade, losses and spoils by pirates, and, notwithstanding complaints often made and means for remedy at hand, no relief gotten, no succour to be had! Was it not known, notwithstanding what so lately had been said to them, that with subsidies given for help to the Palatinate, their ships were now bound against Rochelle? An addition to supply, with the kingdom suffering such grievances, would be to make addition to every grievance. When last they went to their counties, it was with prayer and fasting; but after such a vote they might take up sack-cloth and ashes for the journey.



And what were the arguments for giving? The lord-admiral at the conference had put them upon two heads; of honour, and of necessity. To the first he had to say, that the honour of a king stood not in acts of will, but on designs that were grounded by advice, with a constant application of good counsels; and whatever the issue *then*, the judgment and direction might stand unimpeached. To the necessity he replied, that it was the common argument addressed to parliaments; that experience must guide them; and when had the argument been pleaded in past times with so much urgency as when employed for mere satisfaction of the courtiers? If it were real now, it was the court that made it so. Their excesses had first wasted the king's treasure, and then exposed his honour. Yet would he not deny to give. Only he would first have their reasons for the work of reformation rendered to his majesty; and he would have a member of their house called to speak to the design and preparations in hand. At the conference they had been told of advice taken with the council of war, and that nothing had been resolved without sanction of its members. Let Sir Robert Mansel, then, be there commanded to render his knowledge for the action towards which they were asked to give. Let him say whether it *had* proceeded by good deliberation and advice, worthy the honour of the state, and such as had been pretended.

The worthy gentleman who objected to precedents would forgive him, if he now, in support of the claim he was making to have grievances considered before supply was granted, descended to note examples of old times, some of their own, some out of other nations. At home, in the days of Henry the third, he found a supply demanded, and refused without a confirmation of their liberties. There was also, in Henry the sixth's time, a duke who engrossed the favour of the king, assumed to himself the entire government, disposed of honours, alienated crown lands, and singly negotiated a marriage for his master; but because of those acts, the same records informed them, subsidies being asked for were refused, until he who before had had the applause of parliament then received their censure. The like had occurred abroad. All times, all states almost, could witness it. In France, when the Black Prince had taken the French king prisoner, the estates being then convened and the dauphin demanding a relief for redemption of his father, the grievances of the people were exhibited, and delay being made in redress, the assistance wished for was denied. Thus also was it in Spain, when, during the war against the Moors, a parliament having been assembled at Toledo and an aid demanded for the service, the Conde de Laro stood up and dissuaded contribution until the people's burdens were released; nor was it held, even by that supercilious state, any

breach of duty. Very impressive were the words with which Philips closed his brave and manly speech.

'England is the last monarchy that yet retains her liberties. Let them not perish now. Let not posterity complain that we have done for them worse than our fathers did for us. Their precedents are the safest steps we tread in. Let us not now forsake them, lest their fortunes forsake us. Wisdom and counsel made *them* happy, and the like causes now will have for us the like effects.'

Sir Humphrey May rose after him. He was the only man that could hope to make any stand after the great speaker on the popular side; having, says Eliot, 'pressed his whole faculties to the service, he delivered himself with much art;' and he made an excellent speech. Its defect, however, was that, besides avoiding Philips's precedents, it evaded also his argument for their worth and value. Equally wise in view it might be, and as forcible; but it did not make Philips's view less so, and it left his examples unassailed. It was merely the reverse of the medal; and the first to say aye to the well-balanced figures and sentences that formed the greater part of it, might have been Philips himself.

'Let no man,' said the chancellor of the duchy, 'despise the precedents of antiquity; let no man adore them. Though they are venerable, yet they are not gods. Examples are strong arguments, being proper; but times alter, and with them, oft, their reasons. Every parliament, as each man, must be wise with his own wisdom, not his father's. A dram of present wisdom is more precious than mountains of that which was practised in old times. Men of good affections have been known to give ill counsels. So they may now, if nothing but examples do persuade them. If we go this way, I must say, as the children of the prophets, *mors est in ollâ*. Were all our enemies here, and had their voice in this assembly, would they not say—*not give*? Let us not therefore be guided by their rules; but, leaving other things of difficulty, leaving fears, jealousies, and disgusts at home, and relying on the promise for the next meeting to reform such things, let us yield to the king's request, and at this time give; because, if we give not now, we cannot give again.'

Eliot had been watching the turn of the debate with unusual reasons for interest. Up to this time it was doubtful whether or not he meant to speak; and a striking proof of his friendly familiarity with Sir Robert Cotton is afforded by what ensued. To that great antiquary the public men of this time were under priceless obligations for an unlimited freedom of

access to his matchless manuscript collections.<sup>5</sup> Without him, it will not be too much to say, the struggle now beginning could not have been successfully closed. From his books and manuscripts, which formed the germ and are still the noblest part of our national library, were drawn the precedents by which exclusively the commons were guided up to the achievement of the petition of right. From his small house in Palace-yard were unrolled, in gradual succession, the statutes and records that were the title-deeds of English freedom; and there, for the first five years of Charles's reign, as in what Milton grandly calls a shop of war, were 'anvils and hammers kept incessantly working, to fashion-out the plates and instruments of armed justice 'in defence of beleaguered truth.' Nor to any of those gallant

<sup>5</sup> There was hardly a man of that generation who had in hand any literary work, from Raleigh downwards, who has not left on record his thanks to Cotton for assistance derivable from no other source. Wonderful is the variety of applicants, and not less the satisfaction of each. Doctor Dee of Manchester gets help in his dealings with the worlds of spirits and sciences, as Richard Verstegan for his toils among English antiquities. Bodley gets books which he had elsewhere vainly sought for Oxford, Arundel receives manuscripts he had to no purpose hunted for abroad, and Bacon supplies himself with 'precedents and antiquities 'from the good Sir Robert Cotton's collections.' Bishop Bedell applies for abbey rolls, Patrick Young for Alexandrian letters, the English nuns of Cambray for books for their convent, and Selden for the Talmud of Babylon. The prodigious learning of Usher for his *Antiquities of the British Church*, and the ingenious researches of Carew for his *Survey of Cornwall*, are alike satisfied by what Cotton sends. As for Camden, Speed, and the other great workers of that time in English history, their wants are as incessant as the supply is unvarying, and in each case sufficient. A volume might be written on such services of Sir Robert Cotton to men of letters and learning. Let me add that the story to be told in it of the labour and conscientiousness with which men went about their work in those days, whatever the character of it might be, but most especially when it involved matters of fact, would surprisingly contrast with the idleness, carelessness, and inexactness of inquirers in later time. Mr. Hume's most flagrant misstatements could not have been made if he would have troubled himself a little oftener to leave his sofa, and mount the ladder, in the advocates' library; and what Mr. Nicholas Harding said of his *History* when the first (Stuart) portion of it appeared, that the journals of the houses would settle his facts, is applicable still to many others as well as to him. Harding was the clerk of the house of commons of whom Horace Walpole said that he had the history of England at the ends of his parliament fingers.

armourers does the good antiquary seem to have taken more kindly than to Eliot. More than twenty-years difference of age, and a wider difference of temperament, made no change in the cordial and affectionate intercourse which to the last he and Cotton maintained, to which his memoirs and papers in many ways testify, and of which the incident now to be told offers an illustration of even curious interest.

At first it was Cotton's intention to speak in the debate, and with that view he had collected precedents. But, though he had taken not unimportant part in former parliaments, when his experience and learning were appealed to, he never was an attractive speaker; and a natural hesitation in him had increased with age. 'His tongue,' says D'Ewes, 'being unable to utter 'his inward notions fast enough, it would often enforce him to 'a long stuttering when he endeavoured to speak exceeding 'fast.' This, helped probably by some of those scholarly misgivings which unfitted him for participation in the struggle as it grew hotter and more exciting (leading to his after-countenance of the loan, and to his defeat in Westminster when he sought to represent that city in the third parliament) would seem to have determined him now not to speak; for he certainly abandoned the purpose and handed-over to Eliot the precedents he intended to have used. Eliot used them with decisive effect; and the speech in which he did so, and now first to be printed as his, is not only reported in his memoir, but has been found by me among other papers at Port Eliot in his handwriting.

Strange to say, however, almost the whole substance and much of the language of this speech have already been printed in the parliamentary histories, and in many places since reproduced, as delivered by Cotton;<sup>6</sup> a mistake originating in the

<sup>6</sup> *Parl. Hist.* vi. 367-372 (ed. 1763); *Parl. Hist.* ii. 14 (ed. 1807). These histories are, for the most part, such a mass of incorrectness and confusion that without corroborative matter they are seldom reliable; and unfortunately even the *Journals* themselves, though it is generally possible to obtain out of them the drift and purpose, as well as the exact date, of any discussion they record, present such incessant blanks, and so often omit altogether the barest mention of speeches and speakers and even subjects discussed, that they are never reliable. Rushworth himself is never to be implicitly followed until he comes to the period of his own appointment as clerk's assistant in the long parliament. During the period

circumstance that his original draft with suggested additions by Eliot, having been found among his papers when Charles's seizure of his library broke the old man's heart, was made public in the *Cottoni Posthuma*. Howell printed as Cotton's in the same book, doubtless for the same reason, the argument delivered by Littleton in the third parliament, at the first conference on the liberty of the person; and his error in the Eliot case misled some one who had found another manuscript copy of the speech purporting to have been spoken by Eliot, into the further mistake of indorsing it as 'not spoken but intended by Sir John Eliot.' The preservation of this copy in the Lansdowne MSS so indorsed adds to the confusion; the differences to be noted in the various copies, between that which was published as Cotton's and this which is preserved as Eliot's, are also very noticeable; and impossible as it now would be either entirely to reconcile or separate the authorships of this famous parliamentary effort, it is perhaps the pleasanter duty to resolve them into one: to believe that each may have contributed to the other's share in it; to fancy that Eliot had as much taken part in Cotton's search for its records, as Cotton had contributed to Eliot's employment of them; and to let the speech stand, double yet inseparable, a memorial of the friendship of these celebrated men. It was not less fortunate in the occasion for its delivery, than in the triumphant impression left by it. So sensible a man as Sir Humphrey May would have chosen otherwise his time for doubting the applicability of precedents, if he had known of a collection already prepared more formidable than that of Philips, and with a more fatal exactness comparing past punishments and present ill-deservings. Yet no sooner had he ceased speaking than they were launched upon the house, with an effect which his own depreciation of such historic examples had helped to make only the more telling.

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of the present memoir, closing with the third parliament's dissolution, the blanks are terrible. Eliot's manuscript, in which there is hardly a great speech reported of which we have any other record at all, has very strikingly shown me how much is yet to be learnt respecting these early parliaments. Happily in his case the blanks are supplied in this book by the papers left at Port Eliot.

Eliot began<sup>7</sup> by comparing the earlier with the later days of the preceding reign. As long as Cecil lived, he said, and statesmen who were bred by queen Elizabeth remained in James's service, the crown debts were not great; grants and commissions were less complained of; trade flourished; pensions were fewer; and all things of moment were so far known to pass through advised council, that though there wanted something of the reign that was gone, yet was there much more happiness than existed now. No honours were then set to sale, and no judicial places; the laws were executed, papists restrained and punished, and the setting-up safe resort and refuge for recusants in ambassadors' houses was debarred by strict direction; because in those days the council-table still held her ancient dignity, and no man had obtained such transcendent power as in himself to be master of all business.

Nay, continued Eliot, as with some show of apology for introducing a name not honoured, even so long as Somerset stood in grace and had the trust both of the privy-seal and signet, he had at least the pride of being able to say that there had not passed, either to his friends or himself, any large grants of lands or pensions from the king. Whatever in other things his delinquencies, he could claim neither to have oppressed the people by monopolies, nor to have degraded the nobility by exposing honours to sale. That very offer of the lord Roper's for his barony, which had since been taken, Somerset refused. Nor, in the unhappy treaties with Spain, did he go so far as they who followed him; for into such distrust of Gondomar had he at one time brought the king, that he to whom our Raleigh so soon was given up had been called a *juggling jack*. So stood the state when that man's misfortunes overclouded him.

What was it after then? After then, the marriage-treaties were renewed; Gondomar again received, and liked of; popery put in heart by connivance; the forces in the Palatinate withdrawn upon Spanish promises, and their patrimony thereby lost to the king's children; more money spent in subsidies and treaties to recover that patrimony from Spain, than would have kept an army to have conquered their Indies; our old fast friends disheartened; and our present sovereign exposed to more danger than wise and weighty counsel could ever have admitted.

But what had their predecessors in that house done in like cases? Never had they ceased to insist upon relief and reparation in all such wrongs. In the time of Richard the second, it was a capital charge in parliament against bishop Wickham that he had lost the county

<sup>7</sup> What follows is taken strictly from Eliot's memoir, which corresponds almost exactly with the detached report of the speech among his papers.

of Pontois by dissuading from a timely aid that would have saved it. In the days of Henry the sixth, it was a capital crime in parliament objected to De la Pole that by an unwise treaty of a marriage for that king in France he had lost the duchy of Maine. In the time of Edward the third, the procuring of impositions, after the same were crossed in parliament, was held a capital crime; and Lyons and Latimer were punished. Well, had not the Palatinate now been lost by treaty? and by what council, or rather by what power independent of council, had authority been given to foreign agents to procure liberty for papists, to obtain pardons for priests and jesuits, and to become suitors and solicitors at every government tribunal to prevent all punishment of the ill-affected subjects of the kingdom? 'Sir,' added Eliot, 'there have been grants of imposition lately made, and complained of here in this house as burdening trade, the very least of which would aforetime have been judged as heinous a crime as in the cases of Lyons and Latimer.'

He next took up the question of the disposal of titles for money. In the times of Edward the third, Henry the fourth, and Henry the sixth, parliaments had been suitors to the kings to bestow honours on public servants; but that most sacred treasure of the state was now commonly set to sale. At that postern, no longer the gate of honour, more had been late admitted than all the merits of their elders had let in these last five hundred years. So tender were those earlier times in the preservation of that jewel, that it was made an article in the judgment of De la Pole that he procured himself to be earl, marquis, and duke of one and the self-same place; the like titles being unquestioned yet with us. As matter of state-policy the first Edward had found it necessary to restrain even the number of those that challenged writs due by tenure; but let the disproportion at present be judged, and how far it suited with the profit of the state! Now that all of us were taught the vile price of what once was precious and inestimable, how were great deserts in future to have recompense other than by costly rewards from the king?

Would it be said that there were still at the disposal of the state places of trust and profit? If worthy persons had of late been promoted to such, he should be glad. Was it not known to be otherwise? In the time of Edward the second, Spencer had been condemned for displacing good state servants, and putting in their place his kinsmen and followers; insomuch that, as the records of that time said, way was not left either in church or commonwealth but to such as fined<sup>s</sup> with him or his dependants. But how, if not in that same manner, were such offices now disposed?

<sup>s</sup> Paid fines, that is, for favours received.

A sad heaviness it was, that last day in Christchurch-hall, when relation had been made to them of his majesty's great debts, high engagements, and present wants. Might the noise thereof ever be buried within those walls! What courage might it not otherwise work in their enemies! What disheartening to their friends! To those who had caused what was described that day, if any there were who had been the cause, he held the danger to be fearful. In the time of Henry the third, when the half-brothers of the king had appropriated to themselves what should have supplied his wants, parliament banished them. Gaveston and Spencer, for the like, had the like fortune in the time of Edward the second. Among other crimes for which punishment was adjudged in the second Edward's time to the father of the duke of Suffolk, was that of having appropriated subsidies to other ends than they were granted for. So, too, for wasting in time of peace the revenues of the crown, to the yearly oppression of the people, William of Wickham, that great bishop, was put upon the mercy of his prince. The like offences were made occasion for the ruin of the last duke of Somerset. And as fearful in results to their masters and sovereigns had been the examples in that kind showing the abuse of ministers. Into so great a strait had such ill counsels led Henry the third, that in his misery he put part of his dominions in pawn; engaged as well the royal jewels as those of St. Edward's shrine at Westminster; nay, did not spare, as was said, the crown of England itself!

The drift thus far of Eliot's precedents and examples could not be doubtful. Though Buckingham had not been named, they comprised every notorious abuse of his administration: the waste of royal lands and revenues, the abuse of grants and pensions, the sale of titles and judicial places, favour to recusants, malappropriation of subsidies, overriding of the authority of the council-table, assumptions of the royal authority, concentration of the highest offices in a single person, and bestowing of others unworthily on relatives, favourites, and dependants. They were in fact a complete forecast of the subjects comprised afterwards in the articles of his impeachment. All these, however, known and generally denounced as they were, wanted something of the sharp precision and fatal exactness with which Eliot proceeded to push his parallel to the very verge of that Oxford meeting; using sarcastically phrases by which Buckingham had provoked laughter at the Christchurch comedy; and, by an incident brought vividly back through the waste of two hundred years,



recalling the very wrong they had all resented bitterly in their sudden break-up at Westminster. The closeness of comparison, unshrinking plainness of speech, and, all circumstances considered, the dauntless courage in these closing passages, are indeed extraordinary.

'Sir,' resumed Eliot, 'to draw you out to life the image of a former king's extremities, I will tell you what I have found here in Oxford since our coming to this meeting. It is the story of what was suffered here by Henry the sixth,<sup>9</sup> written by a learned man named Gascoigne, twice vice-chancellor of this place, a man who witnessed the tragedy of De la Pole. So rent away by ill council were the royal revenues, he tells you, that the king was enforced to live *de tallagis et quindenis populi*; that he was grown in debt more than half a million; that his powerful favourite, in treating of a foreign marriage, had not *gained a nation*<sup>10</sup> at home, but had lost a duchy abroad; that to work his ends, he had induced the king to adjourn the parliament *in villis et remotis partibus regni*, where *propter defectum hospitii et victualium*, few could be expected to attend, and so he might enforce those few, to use the writer's words, *concedere regi quamvis pessima*. And when an act of resumption was desired, that just and frequent way of reparation for the state (I call it frequent because so usually was it done that from the time of Henry the third to Edward the sixth all kings but one did exercise it), this powerful minister opposed it, and telling the king it was *ad dedecus regis*, so stopped it.

'But what succeeded on the parliament taking it in hand? The same author tells you that the commons, though wearied with travail and expenses, protested they would never grant an aid until the king should resolve *actualiter resumere* all that was belonging to the crown; adding that it was most to the disgrace of royalty to leave its creditors in intolerable want, and to be engrossed wholly by the council of ONE MAN who had brought such misery to the kingdom, such poverty to the king. All which good counsel still failed to work until by parliament that bad great man was banished, when the act of resumption forthwith followed, and immediately the supply.

'If we should now, Mr. Speaker, seek a parallel to this, how would it hold to us? We have heard the lord-treasurer confess to us that the state revenues are all wasted and anticipated, that nothing now comes from thence for present necessity and use, that hardly anything can be looked for. Of the royal debts we know they are as excessive, if not more. We saw lately that one man's arithmetic could not number them. Too well known, also, in the too woful and lamentable experience of late times, is what has been exacted from the people. What was lost in the Spanish match and treaties, children can speak that were not born to see

<sup>9</sup> Already, it will be remembered, Eliot has referred in his memoir (ante, p. 183) to the fact of these incidents, carrying such exact comparison and disastrous omen, having occurred in a convention at Oxford.

<sup>10</sup> See ante, p. 231.

it. By whom was caused the adjournment to this place, *and for what ends*, there needs no prophecy to tell us. So that, I say, in all things our reasons are the same; and the cases will hold proportion, if that our acts be answerable.

'Sir,' concluded Eliot, with temperate and manly reference to what had fallen from Sir Humphrey May, 'it is true that precedents are not gods, yet some veneration they require. The honour of antiquity is great, though it be not an idol; and the wisdom of examples is most proper, if it be well applied. What was fit at one time, all circumstances being like, cannot be called unfit, uncovenable with another. No threatenings nor difficulties may deter us from the service of our counties. Our fathers had not a greater trust than we. Their reasons and necessities were not more. Therefore I move with that worthy gentleman' (Philips) 'we pursue a remonstrance to the king, and in due time we shall be ready to supply him.'<sup>11</sup>

Of the effect produced by this great effort Eliot speaks in his memoir with a natural reserve, but yet plainly. He says that the affections of the house were so far inflamed by what he had said as to be 'pitched wholly on the imitation of their fathers, and it then appeared the esteem of precedents did remain, with those that knew

<sup>11</sup> None of these very striking closing passages are in the copy of the speech printed as Sir Robert Cotton's, which, besides differing in the turns of expression throughout, closes its general resemblance, or identity, at the incident given from Gascoigne. I quote from the copy in the Lansdowne mss, agreeing in the main with that in the *Cottoni Posthuma*, the passages which follow that incident and close the speech. They probably represent what the speech would have been if really spoken by Sir Robert Cotton. The precedents are here, but in dry dead form; without the warmth and life infused into them by Eliot. 'That was a speeding article against the bishops of Winchester and his brother in the time of Edward 3, that they had engrossed the person of the king from his other lords: it was not forgotten against Gaveston and the Spencers in Ed. 2 time: the unhappy ministers of R. 2, H. 6, and E. 6 felt the way to their ruin of the like errors. We hope we shall not complain again in parliament of such. I am glad we have neither just cause nor undutiful dispositions to appoint the king a council to redress those errors in parliament, as those of 42 H. 3. We do not desire as 5 H. 5 or 29 H. 6, the removing from about the king of evil counsellors. We do not request a choice by name as 14 E. 3, 3<sup>o</sup> 5<sup>o</sup> et 11<sup>o</sup> R. 2, 8 H. 4, 31 H. 6; nor to swear them in parliament as 35 E. 1, 9 E. 2, or 5 R. 2; nor to line them out their directions of rule as 43 H. 3 and 8 H. 6; nor desire that which H. 3 did provide in his 24<sup>th</sup> year, *se agere viam per assensum magnatum de consilio suo electorum et sine communicorum assensu nihil*. We only in loyal duty offer up our humble desires, that since his majesty hath with advised judgment elected so wise, religious, and worthy servants to attend him in that high employment, he would be pleased to advise with them together a way of remedy for those disasters in state, led in by long security and happy peace, and with young and single counsel.'

'the true value of antiquity. The clear demonstrations that were made of the likeness of the times gave them like reasons who had like interests and freedoms.' He adds also, that while the courtiers did not relish it, they yet saw, by the way in which it had been taken, the prudence of dropping the tone in which the debate began, and of turning from justification and defence to prayers and excuses. 'In which soft way the chancellor of the exchequer did discourse.' But even while the chancellor was speaking, Eliot tells us, he found by the continued temper of the house that this way would not do; whereupon, changing his design, he fixed upon the question of supply, and pressed to have a resolution on that point, aye and no. The purpose was seen by the country leaders, and promptly resisted. To pass the remonstrance was to keep their party firm to a declaration that there were grievances to redress, in which all were agreed; whereas to take a division upon supply was to force opinions prematurely on a point as to which there were differences, and to offer excuse for a dissolution.

'The rock was seen betimes,' says Eliot, 'and as speedily avoided. For the negative, the wiser sort did fear; the affirmative, all generally did abhor. Therefore in this, which required little art or eloquence, much was said on both sides, and much contestation was upon it: wherein the new elect for Yorkshire, Sir Thomas Wentworth, by a new return then come, did so well express himself for his country, as it desired that choice, and allayed much of the labour to the contrary.'

Eliot means that the satisfaction now given to Wentworth's constituents by his opposition to supply, strengthened him in Yorkshire against factious opposition. Of the speech, he reports nothing farther: but the brief note in the journals restricts it wholly to the money question. In his judgment, Wentworth said, that parliament was not bound by the engagement of any former one. The pressing of such a precedent therefore for so small a sum (the false step made in this respect by Buckingham at starting, through Sir John Cooke, having still survived all the effects of Weston and May to substitute a larger sum), was to take advantage of it for greater hereafter. Though he was most ready and willing to give in due time, he was altogether against present giving.

He was followed by Sir Edward Coke, who spoke as strongly against any attempt so to shape the question; characterised it as *solum et malum concilium*; threw in two other precedents to those which the worthy knight (Eliot) had delivered; and offered to contribute a thousand pounds out of his own estate rather than grant any second subsidy now. Sir Francis Seymour spoke in the same strain; which also had warm advocates in Sir William Spencer, Mr. Alford, Sir Guy Palmes, Sir Thomas Grantham, Mr. Wandesforde, Mr. Mal-

lory, Sir Thomas Puckering, and Sir Thomas Hobby, all of them sitting for large and popular constituencies. Even some who were for giving, such as Sir Heneage Finch the recorder, Sir George Moore, and Sir Henry Mildmay, declared it should be done with great caution, and with a protestation never to do the like upon any necessity hereafter; and the few who were for giving absolutely, because of the answer to the petition for religion and the duke's speech in Christchurch hall, were men in some way connected with the duke, as Sir Robert Pye, Mr. Drake, Sir Walter Tichbourne, Sir Robert Crane, and Mr. Charles Price. On the other hand a distinguished lawyer of the west who represented Truro, Mr. Henry Rolle, and who by the tone he now took drew down future persecution on some of his kinsmen, not only declared against supply, but said he did so because the necessity was so great that now if ever was the time to force a redress of their grievances. Turkish pirates were laying waste their coasts, and capturing ships and men; the inhabitants of those parts were driven to great expenses for self-defence; and was that a time for laying new burdens on them? Two more speakers closed this memorable debate. One was Mr. Glanville, 'that pregnant western lawyer;' and the other Sir Robert Mansel, whose brief address, according to Eliot, if spoken earlier, would earlier have ended the discussion.

After Glanville had spoken strongly for such a remonstrance as had been recommended by Philips and Eliot, Sir Robert at last arose. Having been named by the lord-admiral as a party to the naval preparation, and having been appealed to by a worthy gentleman, he had now utterly to disclaim all knowledge of the action, or any consultation had upon it. There had been some meetings of the counsel of war which he had attended as a member, and some propositions were spoken of for the navy, but no design or enterprise had been stated, and there could not therefore have been any counsel or advice. He would not, he said, have the matter of supply put to question. There ought to be but one negative voice. The effect of this, Eliot tells us, was decisive.

'Upon this, all colour was removed from those that sought the question. No such question could seem proper, where there was no reason for supply. The supply could not be pressed for in an action without counsel: which being in doubt before, but now in full credit and belief, that long debate concluded for a remonstrance to the king.'

It was very late when the commons left the divinity-school, and warnings of a storm in more than one direction were already lowering on both court and country party. Mansel's few brief words had hurried on suddenly the crisis for both.

VII. *Last Scene but one.* ÆT. 33.

Soon after the houses broke up, a council was held at which the king was present, and an immediate dissolution was proposed. The lord-keeper and his moderate allies resisted it. The duke professed himself indifferent; but since the object of a continued sitting was to make attempt upon himself, he would rather the sitting went on. By this, says Eliot, he only more deeply engaged the king; so that all the efforts of the other party, led by Williams, were powerless.

‘Again with much earnestness he declared himself, and with many reasons endeavoured to dissuade; but his power was found too weak in contestation for the others. The faction of the duke’s party did prevail; not that it spake more truly, but more pleasantly. So indeed was the scene contrived, that the duke himself seemed a suitor for the contrary, and on his knees did deprecate that which he most desired! But the resolution was immovable in the king; and, as none doubted, *so practised by the other*.<sup>1</sup> Upon which the opinion of the keeper was rejected, and, not long after that, himself.’

Before the council broke up, however, the king made so far a show of giving way to the duke’s pretended importunity, as not to oppose a *locus penitentie* for the commons; but at all risks interruption was to be made to the remonstrance, which on no account was to be presented or even drawn up. With this view, a reply to Mansel was to be attempted, and a new message offered for supply; this unpromising duty being divided between Buckingham’s two most devoted adherents, Sir John Cooke to take supply, and the solicitor-general to answer Mansel. Meantime the commission for dissolution was to be got ready, so that on the instant, if the commons showed no sign of yielding, it was to be put into effect.

While this council was in progress, the country party were holding one of their own. They were met, says Eliot, to consider the terms of their remonstrance; when new complaints came upon them with so much urgency, of the spoils and insolences of the pirates, and of divers cruelties suffered by the captives they had taken, that this, coupled with that extraordinary disclosure by Sir Robert Mansel contradicting the duke’s averments, turned the feeling more strongly than ever against the lord-admiral, whom it was then proposed to introduce into the remonstrance by name.

‘The Turks were still roving in the west, the Dunkirkers in the east, the cries came out of all parts. Their losses great, their dangers more,

<sup>1</sup> So contrived, we should now say.

their fears exceeding all. No merchant dared venture on the seas, hardly they thought themselves secure enough at land. It was alleged by some,<sup>2</sup> that as the king's ships were stopped from going to relieve them when it was ordered by the council, so they were then. Though ready on the coasts, or in the harbours near them, where those rogues were most infamous, nothing might be done. Nay, in some cases it was proved that the merchants had been taken even in the sight of the king's ships, and that the captains, being importuned to relieve them, refused their protection or assistance, and said they were denied it by the instructions which they had.<sup>3</sup> Upon which it was conceived to be more than common negligence. The duke was thought faulty in that point, he being admiral, from whom the instructions were derived. For that, he had the imputation of those errors *which some did then term crimes; and thereupon, which formerly was forborne, it was resolved to charge him by name.*

In this temper the house met on the morning of Thursday the 11th of August. As soon as prayers were said, petitions were handed in from the Devon grand-jury, from the mayor of Plymouth, and from several western merchants complaining of the admiral on their station, Sir Francis Stewart, for suffering captures to be made before his face. The member for Hull, Mr. Lister, also enlarged on the wrongs done to trade by the Dunkirkers, and declared that the safety of all the seaports had become matter of vital concern. He was seconded by Sir Francis Seymour, who spoke with much bitterness, and said that when they should consider the terms of the remonstrance he had a proposal to submit to them. At this moment the king's solicitor and Sir John Cooke took their places, and the house was informed that there was another message from the king. It was very brief in terms, Eliot adds,<sup>4</sup> and merely 'urged the sup-

<sup>2</sup> Doubtless by Eliot: see his statement, ante, p. 187-8.

<sup>3</sup> This was asserted specially, as will be seen, of the admiral on board the Lion in Plymouth water.

<sup>4</sup> The Journals and Parliamentary Histories contain no mention, even in the most general way, of this fresh attempt on the part of the king and council, as indeed of very little that gives its distinctive interest and value to Eliot's memoir and papers, so abundantly used in these pages. I have not thought it worth while, however, to indicate in passing such instances as this, fearing to weary the reader; and conscious that the most cursory comparison of my narrative with any of the histories will show sufficiently its important new facts and illustrations. Of the many remarkable speeches described, the journals contain scarcely a mention; and even where they happen to be referred to, they are unintelligible for want of their sequence and connection, and of those explanatory circumstances by which Eliot restores to them something of their original life, by reawakening their purpose and intention. None of the speeches now to be described, by Cooke, Heath, Seymour, and Littleton, important as all of them are, and especially curious and interesting the last two, have been reported or referred to in any former work.

‘ply again, to renew the former question. Which, meeting as well with wonder as opposition, that that question should again be stirred which yesterday was resolved, the old artist began his apology.’

There were two extremes, Sir John Cooke begged the house to consider, which wisdom would ever avoid. The one was *deforme obsequium*, base and unworthy; the other was *abrupta contumacia*, unpleasant and unsafe. The middle course alone was commendable, and for this had Lepidus been eulogised by Tacitus. Either the money already disbursed in the preparations had been well spent, or not. If well, it was no good husbandry, for want of a little to be added, to lose so much laid out: if ill, not giving would only excuse those who had misemployed their opportunities to an ill result, that would then be charged to others. As for disputing at this time the necessity for giving because of the manner in which it was incurred, it would be like the act of the man, who, seeing another in the mire that called to him for help, spent so much time in questioning how he came thither that before his hand was given the other was sunk past hope. A necessity there was: that was confessed of all sides. Should not their labour then simply be, how for the present to relieve it; and what kind of necessity it was, or how incurred, might be considered of hereafter. It was not to be supposed he denied that the kingdom was in sickness, or that it did not need physic. Nay, he even liked the medicines that were spoken of; though he doubted they would be found unseasonable, if applied in those dog-days. But having his majesty’s assurance, now repeated, for a new meeting and for full opportunity therein, he wished to defer it till that time; and warned them that they should not, by only opening the wound, perhaps make it more incurable.

The close of this address, Eliot adds, was less successful than its opening. That confession of the sickness of the kingdom was taken as a mere act of expiation for his former trespass; and therefore

‘more it did lose the advocate than any way made advantage for his client, whose fame was not better by that art, and the other’s worse. The like fortune,’ he continues, describing the solicitor-general’s reply to Mansel, ‘met the other, who handled that particular of the counsel; wherein he made a long narration and discourse; how the counsel’ (he means the council of war) ‘had often met, as was pretended by the duke; how Sir Robert Mansel did withdraw himself upon private reasons and distastes; how divers particulars were propounded and debated by the rest, and the design in question by them all resolved on. How the Lord Chichester had left some papers that commended it; how Sir Edward Cecil, who was acquainted with the secret and best could judge upon it, had said it was probable, and an old plot of the prince of Orange’s. Other things of this nature he produced, more colouring than conclusive. The Lord Chi-

chester being dead, and the truth of the papers being uncertain, that wrought but little on the judgment of the audience. Sir Edward Cecil, a commander for the action, could not but magnify the design : and therefore was that assertion thought as invalid as the other for satisfaction in the proof. Neither was thought authentic. From the rest of the council, who were all living, and some there' (both Conway and Cooke were members), 'there came nothing. And yet, if their attestations HAD been brought, such a command has greatness that *some men would have doubted*, though others had believed.'

Having disposed thus characteristically of Cooke and Heath, whose attempts had not been favoured by the circumstance that already the house's attention was fixed on more exciting topics connected with the proposed remonstrance, Eliot tells us that interest was suddenly reawakened at a reply to Sir Humphrey May. It was quite unexpected ; and it was the maiden effort of the speaker, a lawyer, who had not before been a member of the house. For this reason, and because he thus 'became first 'known for his ability,' Eliot reports at length what he said ; and we are happily thereby made acquainted with the outset in public life of Edward afterwards Lord Littleton, now member for Carnarvon, who, after gallantly sustaining Eliot through the struggles for Buckingham's impeachment and the petition of right, consented to become recorder of London, and finally was solicitor-general, chief-justice of the pleas, and lord-keeper.

It has not hitherto been supposed that Littleton took part in state affairs until the parliament of 1626 ; but his biographers had overlooked the fact of his having sat in the present parliament,<sup>5</sup> and now Eliot shows us how unaffectedly and heartily, at that first fresh start in public life, he made common cause with the country leaders. With what they represented, indeed, his heart remained to the last, as his royalist friends were fain reluctantly to admit. He was a fine lawyer, popular with everybody : and though his was not the strong stout stuff

<sup>5</sup> See Foss's *Judges of England*, vi. 345 ; and Campbell's *Lives of the Chancellors*, iii. 27. On the other hand, consult Willis's *Notitia Parliamentaria*, iii. 207. The connection of Littleton's father (great-grandson to the famous author of the *Treatise on Tenures*) with North Wales, of which he was chief-justice, led doubtless to his son's return for Carnarvon. The name is also written Lyttelton.



of which patriots are made, and with courtiers as well as patriots he fell into such disfavour as timid men seldom avoid in stormy times, he was regarded to the last by both parties, in spite of his defections from both, with remarkable tenderness; and had the friendliest epitaphs from Clarendon as well as from Whitelocke and Selden. Let it now be further to his honour that, as the close of his public life was celebrated by those famous men, its opening received commemoration from a man not less famous, and his first speech in parliament was reported by Sir John Eliot.

Littleton was called up by a speech from Sir Humphrey May, which had a little roused the attention of the house from

'other loose arguments made to revive the question for supply' by the fact that 'therein were some precedents vouched by him that had decried them; as those of twenty-ninth and thirty-first Elizabeth, and third James; wherein augmentations had been made to the grants then first resolved on.'

Whereupon the member for Carnarvon arose, and with great directness joined issue at once with the chancellor of the duchy.

'Mr. Speaker,' he began,<sup>6</sup> 'the question in debate is whether to give or no; and therein my opinion is absolute, *not to give*. There has been an objection made against insisting on old precedents, and that we should not make them gods; which has since in part been answered,<sup>7</sup> that they were venerable though not idols. I will however further say, that precedents are the life and rule of parliaments: no other warrant being for the parliament itself, or the authorities it pretends to, than their ancient use and practice. And should not, then, parliaments be careful to preserve that rule inviolable? to make it constant like themselves? Why, even those, sir, that speak against precedents, we shall find most to magnify and endear them when they think them useful to themselves.'

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<sup>6</sup> I may here state, what should probably have been stated earlier, that in quoting speeches from their ms originals I have in general modernised the spelling, for a reason which will be obvious. Perhaps I should wisely have adopted the same plan with letters and papers also; but something of a man's idiosyncrasy may show through his spelling which would not reveal itself in his speaking, and there is a kind of physiognomy in a letter. It cannot however be too strongly added, that there were hardly any rules of orthography of the most general kind at this time in universal use, and that not only did a man spell as it suited his ear or fancy, but that few adhere to a uniformity of practice, or care to be commonly consistent with themselves even as to the simplest terminations. [All the old spellings are modernised in this edition. 1870.]

<sup>7</sup> By Eliot, ante, p. 249.

With his quick and ready knowledge Littleton declared it easy to dispose of the chancellor's precedents; and this accordingly he did, taking them one by one, and replacing each as it fell by a nobler substitute in support of his own claim, that not for four hundred years and more had there been a precedent for what then was asked.

'Was there, then,' he proceeded to say, 'never the like necessity before? Surely, yes; there have been far greater causes than is now, but never in all that time so dealt with. There has been, however, a strange argument made<sup>s</sup> *ab utili*: that it is profitable to give. By way of dilemma to enforce it, a worthy knight has employed the *argumentum cornutum*: that either the former moneys spent in the preparation have been well laid out or not; if well, why should we not pursue it? and if otherwise, why should we take the fault upon ourselves by refusing to add a little, and thereby be disabled to call the delinquents to account? Why, sir, by the reason of this argument, the parliament should be bound to maintain all actions and designs! For, either they are good or not; and by this rule we should give the sword unto our enemies for the ruin of ourselves. As for calling of the actions of any great man in question, supposing we are told that nothing can be done without permission of the king, it behoves us to say that, if so, it may be as well done without supply as with it, it being not the manner of great princes to make merchandise of their justice.'

The subject next adverted to, was the answer to the petition for religion. Many lines had thence been drawn to the intention of that business of supply; as if religion were the servant, *that* the mistress. Of the answer in itself he was glad as any member of the house, though sorry that to such a purpose it should be used. But who among them knew what fruit would come from it? Nay, had they not cause to fear it, when the fact so much differed from the protestation! Even at that very time, the pardoning of jesuits, the protection given to papists, the support and countenance to Arminians, showed more than common danger. Why should not the king be desired to put the laws in force? Henry the fifth was a wise and potent prince, not inferior to any since the conquest; and yet what did his subjects in parliament unto him? In the first year of his reign they found a remissness in the execution of the laws; upon which they gave him sharp but good and wholesome counsel, which

\* Sir John Cooke's argument, *ut supra*, p. 254. The remark here occurs, to be suggested still more forcibly by speeches of Eliot's hereafter given, that a speech of this kind, replying thus to previous speakers in the same debate, must have owed its preservation to a report taken down at the time, though it may afterwards have been revised. And such we know was the practice. The art of reporting was not unfamiliar to the members of these early parliaments, many of whom were in the practice of taking notes; and it adds greatly to the pleasure with which we read these speeches to feel that we have such a guarantee for their genuineness.

was followed by that powerful king. If his majesty would now do likewise, he might enjoy like honour and prosperity, and be both loved at home and feared abroad.

The conclusion of Littleton's speech was extremely striking. That there is a false allegiance to the king in unfair pressure of the subject, was put with much felicity; and in what was said of the temptation to make voluntary and occasional grants compulsory and permanent revenue, he triumphantly anticipated and answered his own unhappy argument of later years, when, as king's solicitor, he had to defend ship-money against his old friend Mr. Hampden.

'Sir, some other arguments have been also used, as that this is the first request of the king; that granting it, will be an expression of our loves to him; and that denying it, will be a pleasing to the papists. Well, sir, as to the last, it carries no reason to persuade, for the devil sometimes is consenting to good works, though for ill ends he has. For the second, we must so love the king as we neglect not the commonwealth; we must remember there is union between them which no good subjects will divide; we must *amare et sapere*, not *deperire amore*, love that we may love always, not to perish by our love; which were not only injury to ourselves but to the object of our love, the king. And, sir, for the first, it is our duty to consider what ill effects have followed any undue pressure of the people. Therein our stories mention nothing but tumults and commotions, and it will be well that the councillors should take heed of what they see around them. The time is dead and all commerce shut up, not merely by the sickness here at home, but by the uncared-for and unchecked piracies and robberies in distant parts. Already the charge laid, in the two subsidies granted, adds a great burden to the people; and what more might do, we know not. But we know that if his majesty fail in his request, he at least, being wise, is *better to be persuaded than a multitude*. Sir, I might give other reasons, from other considerations. I might say to you that by the easiness of the subjects to supply, princes become more careless of their revenues and their outlay; and that there is ever a doubt, in the frequent grant of subsidies, that they may turn in time and grow into revenue. What once were voluntary contributions in Naples and Spain have now become due and certain. Tonnage and poundage here with us is now become reckoned in the ordinary, which at the first was meant but for the guarding of the sea; as indeed the acts still have it. But these things need not, when our own rules conclude us. Those rules I desire we may observe, and to pass on to the remonstrance which was ordered yesterday.'

The effect of this speech upon the fresh attempt for supply, Eliot observes, was to 'put the courtiers entirely beyond hope,' and to show them no way of safety but in immediate retreat. To which end, he adds, 'continual intercourse being made with intelligence to the duke, the commission for dissolution of the parliament, which was secretly prepared, was forthwith delivered to the keeper, who according to the form was to execute and discharge it.'

Nevertheless such delays were necessarily interposed by a conference already appointed with the lords, that another day's sitting of the commons could not be prevented. It was agitated and brief, but the work desired was done. The curtain was not to fall upon an unfinished piece.

### VIII. *Falling of the Curtain.* ÆT. 33.

Some distraction was wrought in our minds, says Eliot, when news was brought that afternoon that the commission for a dissolution was prepared. But it soon passed away, and those that were resolute outnumbered those that were fearful. Nor could the determination of the majority have been more decisively shown than on the following morning, when, in the full knowledge that they were about to be dispersed, they met with the settled purpose first to complete and present their remonstrance.

In this, Sir Francis Seymour took the lead; submitting the proposal of which he had given notice the previous day, that in the remonstrance the duke should be mentioned by name.

'This first direct nomination of the duke,' says Eliot, 'done by Sir Francis Seymour, took off all vizards and disguises in which our discourses had been masked. Then in plain terms the jealousies were expressed which hindered the satisfaction of the king. His nearness to his majesty was too much; his greatness and exorbitance offensive; his power and practice both doubted and hated. In his person was contracted the cause of all those miseries. All the expressions and examples which formerly had been heard of, were then applied to him. His faults and errors were the same; so was desired his punishment; and that, with the rest, this likewise be presented to the king.'

What in other respects the paper for the king was to contain, may be inferred from the speeches that suggested it; and it was doubtless to an over-anxiety to include in it as many as possible of the causes of discontent, that the failure of completing it was due. But, for this, compensation was to be made at the like violent close of the following parliament, when none of those topics were forgotten; and meantime a substitute was found. While yet members following Seymour were speaking of the duke's ill-government, and, in reply to Edmundes and Naunton who had been largely speaking against time, were insisting on the necessity that his majesty should plainly be informed that whoever had put king and kingdom in such hazard *must be made to answer for it*; Mr. Glanville entered hastily, and said that they had not time to finish their remonstrance as voted.

He had substituted therefore a short protestation, which he presented for acceptance. It was immediately read. In terms scrupulously obedient and loyal, and with expressions of devoted attachment, it declared their purpose at the proper time, and in a parliamentary way, to discover and reform grievances and to supply the existing and all other his majesty's just occasions and wants; and it warned him of the danger of holding council with those who would poison his ear against them, beseeching him to believe that a just English king could have no greater security than the true and hearty affections of the commons of England.

While yet the chairman was reading, for the house sat in committee, the knock of the black rod was heard at the door, and the speaker rose to resume his chair and admit that royal messenger. 'No, no!' was the general shout; other members rose to prevent him; the protestation was put to the vote and passed; and order for its instant transmission was made. Mr. Solicitor was required to take charge of it; all the privy-council who had seats were to present it; and it was 'to go with all speed.' It was hastened to the king while yet the usher of the black rod waited outside undelivered of his fatal message.<sup>1</sup> Eliot thus describes it and the issue.

'It was by the pen of Mr. Glanville, who had our thanks; and it was forthwith read, and ordered to be presented to the king by the privy-

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<sup>1</sup> The only account hitherto existing of this extraordinary scene, so exactly the forerunner of others more widely known as this unhappy reign went on, had been given by Sir Philip Warwick (*Memoirs*, p. 13). 'Being then resolved into a grand committee, and having some inkling of what was determined, when the black rod knocked at the door with his staff, the men of the tribunitial spirit (for God be thanked we have no such officers among us, though we have orators) would not let Sir Thomas Crewe take the chair to admit the king's messenger until one Mr. Glanville, an eminent lawyer and of a warm temper, had &c. &c. Which was a wild and tumultuous essay to be made at a committee, expressing much fervour but no prudence. . . . So abruptly and tumultuously ended this first parliament.' I may here put the reader on his guard against accepting Howell's *Letters* implicitly where questions of date are concerned; the contents of that delightful book having been put together 'for the press' without any regard to considerations of that kind. Thus when he writes (p. 191) to his uncle Trevor, on the 6th August 1626, *from Oxford*—'I am sorry I must write to you the sad tidings of the dissolution of the parliament here, which was done suddenly. Sir John Eliot was in the heat of a high speech against the duke of Buckingham, when the usher of the black rod knocked at the door and signified the king's pleasure, which struck a kind of consternation in all the house'—the letter is an evident compilation from one or two letters of widely different dates, and the main incident refers rather to the second parliament, dissolved in June 1626, than to this Oxford parliament, closed as we see in August 1625.

councillors of our house. Which being so agreed and done; and some hurried motions, made for clearing those by general suffrage that were thought subject to distaste for their expressions in that place, being rejected as unnecessary, former experience having proved them to be useless and unprofitable; the usher of the black rod was *then* admitted with the fatal message to the house. The speaker left his chair; and being attended by the rest, went presently to the lords, where the commission was then read, and so dissolved that parliament.'

An interesting passage follows this in Eliot's manuscript. He says that the reasons of state and good policy were so strongly against the step thus taken by the court, that it was supposed even the duke's influence might have failed to carry it but for a notable project which had then first been conceived, to make ineligible for seats, in case another parliament were found unavoidable, the most active of the commons, 'by charging them with employments that might make them incapable of the parliament: presuming thereby others would be deterred, and the whole ability of that house extracted with those persons: so as no man should remain of knowledge or affection to contest them.' A design afterwards put in force, we shall see, with no good results to its authors; as indeed the way in which Eliot speaks of it shows that no such result was possible. There is not merely a quiet scorn in his expressions; but there is the feeling underlying them that accounts for so much of the greatness of this time, and which with a manly modesty Eliot knows he but shares in common with others around him. It is the feeling unobtrusive of self; subordinating ever the lower to the higher motive, in public as in private exertion; and putting always first the work to be done, never doubting to find men fit to do it.

'So shallow are these rivulets of the court, that they think all wisdom like their murmur. Kingdoms they will measure by the analogy of their rules. But in this they deceive themselves, as, in all other things, the world. And as they judge of kingdoms, kingdoms may judge of them. Great is the variety in a kingdom, both of knowledge and ability. Great is the variety of persons, and of their studies and exercises to acquire and attain. The forms of wisdom are as various as are men's. As one is bold and active, another will be cautious and reserved. This plots, that speaks, a third judges and discerns. And in all these some are excellent, *yet appear not while their works are done by others; but are content and happy to be shadowed in themselves*, all difficulties being declined, dangers prevented, and their desires made good. Yet against all, when necessity shall require, they will, and are ready to, stand forth. So did it prove in this.'

Upon the immediate effects of the dissolution as well beyond as within the court, Eliot makes also some remark. It gave real satisfaction to none. The courtiers were too much afraid of the future to enjoy the temporary relief; and the commonalty underwent such

sudden and great change, from extremity to extremity, in regard to Buckingham, that the prospect seemed full of danger to 'minds well 'composed.' The naval preparations, too, left without apparent support, were a source of universal apprehension; no man not in the secret knowing the design, and all men, the courtiers in especial, being fearful of the issue.

Amid such dissatisfaction and foreboding, this opening parliament of the reign, in little more than six weeks after its first joyous meeting at Westminster, came to a close at Oxford. An abrupt and ungracious close it is called by Clarendon, who cannot but 'let himself loose' to say, that no man could show him a source from whence the waters of bitterness since tasted so abundantly had more probably flowed, than from such unseasonable, unskilful, and precipitate dissolutions. Laud in his diary is content to mention what had happened without other addition than that presently after the parliament began at Oxford a great assault was made against the duke of Buckingham. Even Mr. Drake, cousin and friend to Bagg, writing to that worthy to regret that he was not at Oxford to have given his voice, describing how the great duke had been dealt withal by his enemies, and exultingly hoping that his grace will and shall bear up and triumph yet in spite of all of them, is fain to call the dissolution *an unhappiness*.

Bagg nevertheless was extremely happy, since he had now obtained some part of what he so diligently had worked for. He was vice-admiral of Cornwall, and soon to become Sir James.

## BOOK SEVENTH.

### SECOND PARLIAMENT OF CHARLES THE FIRST.

1625-1626. *ÆT.* 33-34.

- i. Eliot at the Fleet's Sailing and Return. ii. Eve of the Conflict. iii. Leading the Opposition. iv. The Saint Peter of Newhaven. v. Eliot and the King. vi. Buckingham impeached. vii. Eliot sent to the Tower. viii. Remonstrance and Dissolution.

#### I. *Eliot at the Fleet's Sailing and Return.* *ÆT.* 33-34.

ON the dissolution of parliament Eliot resumed those duties of his office in the west which involved no direct communication with the lord-admiral. He busied himself in efforts to protect the coast, as to which the means at his disposal appear to have been strengthened by what had passed in parliament. It fell to him necessarily also, as vice-admiral, to continue to press seamen; and for a time he was left to the ordinary discharge of his employment, in these and other respects, undisturbed by intriguers against him.

The tone so resolutely taken in the house of commons by men of large and various influence had not been without manifest effect. Though Mr. Drake wrote so confidently to Bagg, in spite of the dissolution and its 'unhappiness,' of the duke's ultimate triumph over his assailants, what further he writes to that worthy from his house in the west is anything but triumphant in tone. The duke had been compelled to give pledges that something should at once be done against the pirates, and Mr. Drake hopes that Sir Francis Stewart or some others were already gone out against them. He knew of course that Sir John Eliot had left for the west on this and other matters; and he



has himself hurried down there to be ready for my lord, who had promised to visit at his house on his way to Plymouth. Mr. Drake is so uneasy, notwithstanding, that he would give anything to speak to Bagg privately before my lord arrived. Especially he prays Bagg, however, reverting to what he had mentioned first, to have a good care that the ships which were to go against the Turks, 'if they be not gone, be hastened with 'what speed may be, for it standeth my lord's honour much.' The matter of the pressing of seamen, too, was very urgent; and if Sir Francis Stewart 'had heard what was said in parliament, 'he would have had more care to whom he granted his commission,' for one of his fellows had abused it frightfully.<sup>1</sup> In short, Mr. Drake had evidently been more impressed than satisfied by what he heard during that Oxford sitting.

To something of the same feeling in the courtiers generally, it may perhaps be attributable that up to this time, notwithstanding the decisive part he had at length taken openly with the commons, Eliot still maintained friendly relations with Conway; whose son, Strafford's correspondent in later years, passed his Christmas holidays at Port Eliot after his return from the Cadiz expedition.

The grand object now was to get that ill-fated expedition started with all possible promptitude, the profoundest secrecy being successfully kept to the last as to its precise destination. It was for this the lord-admiral was gone in person to Plymouth; and it was for this the ill-advised king now began the practice at home which brought him all his after miseries, of raising money without a parliament. He levied the tonnage and poundage duties, although he had refused assent to the bill which alone would have made them legal; and he resorted to the expedient, not without precedent but of dangerous application, of sending forth privy-seals. Returns were required from the counties of such persons as were able to give, and what amount; upon which privy-seals were sent to each, with order to the collectors to return the names of all who refused, or complied reluctantly; and opportunity was taken of Eliot's absence on the

<sup>1</sup> S. P. O. 16th August 1625. John Drake to his 'worthy cousin' James Bagg, Esquire, vice-admiral of Cornwall: from Ashe.

work of his vice-admiralty to send his father-in-law one of these privy-seals, levied with peculiar hardship.

At last, in little more than six weeks from the dissolution, the armament was ready and about to put forth to sea. It consisted of ninety sail, large and small ships, carrying 5,000 seamen and 10,000 soldiers, and commanded by Sir Edward Cecil, son of Robert, of whom Eliot speaks not unkindly, but who had served in the low countries with no great reputation, was unpopular with the fleet, and had no experience at sea. Beginning here as everywhere at the wrong end, he was promoted before he sailed; and the rank of Viscount Wimbledon, meant to give dignity to his command, had the opposite effect. He had been left also, though with the title of lord-marshal and lieutenant-general, subordinate to Buckingham as general, much to the merriment of the fleet itself; who laughed heartily when the courtiers called one their general and the other their generalissimo.

Eliot's statement on these points in his memoir is characteristic. He expresses his belief that at the last, if a fair excuse could have been set up, the expedition would hardly have gone; he says that it was 'the eye the world had on it,' and the statements made in parliament, which caused it to be persisted in; and he makes this interesting addition, that the common people, believing the preparation to be more formidable than it really was, and having a hope that some blow was at length to be really struck at Spain, had their expectations of success more highly raised than those who knew more of the arrangements were justified in feeling. It is a pregnant comment on this remark that the main charge for victualling the expedition had been intrusted to Bagg.

On the 4th of October the fleet sailed, and on the 6th Eliot wrote from Plymouth to Lord Conway. His son, he tells him, has been safely shipped, and is gone. Eliot had accompanied him to see him under sail on Wednesday morning, when, he says, part of the fleet went forth with a fair wind, the rest following them in the afternoon; but, the wind suddenly changing, the second detachment of ships had again put back into the sound.

'At this instant,' he resumes, in the few hurried sentences that close his letter, 'the ships that last night came to anchor in the sound are with the storm forced in again to Catwater with such haste and fear, as divers of them have fallen foul of one another, and are in trouble to clear themselves, I hope without much harm or prejudice. I am now called upon to send out boats and men unto them, which makes me hasty to that service, and a little confused in this dispatch.'<sup>2</sup>

Amid such conflicting omens the Cadiz expedition sailed. And so, directly after, sailed Buckingham for the Hague attended by Lord Holland : with a design to visit Paris, in which Richelieu baffled him ; with a purpose also to conclude, by help of the States, a general league against the house of Austria, in which he failed yet more decidedly ; and carrying with him the crown plate and jewels of England with a further plan to raise supplies upon them, as to which he failed worst of all. Nor was he allowed to set forth on these hare-brained schemes without warning of a storm gathering against him, greater than any that had driven back the ships to Catwater.

'All men say, if you go not with the fleet,' wrote Thomas Lord Cromwell to him, 'you will suffer in it, because if it prosper, it will be thought no act of yours, and if it succeed ill, they will say it might have been better had not you guided the king.' But would his grace know the most fruitful source of all discontent ? It was, that even the best lords of the council were kept in total ignorance of what was going on ; and therefore were they the most discontented, and said it was a very great burden his grace took upon him, and that his letting no one know anything but himself, and not permitting others to bear part of his burden, might ruin him. 'Which heavens forbid,' the writer fervently adds ; though with a sense he cannot suppress, even while he yearns to see the ignorant multitude trampled under his grace's feet, of something that seems to render unstable and uncertain his almost illimitable power.<sup>3</sup> The shadow of the future had begun to hang visibly over Buckingham.

Shortly after the time when Lord Cromwell was thus writing, another letter-writer was putting the same facts in some-

<sup>2</sup> S.P.O. 'To the right honourable my very good lord the Lord Conway, principal secretary to his majesty, Plymouth, 6th October 1625.'

<sup>3</sup> S.P.O. From Fulham, 8th September 1625.

what different form before Sir Thomas Wentworth. Describing the duke's departure for the Hague, Sir Arthur Ingram proceeded to tell how heavy his grace's hand lay upon certain great persons about the court, and that who he will advance shall be advanced, and who he doth but frown upon must be thrown down. Describing the great officers of the kingdom who generally were his creatures, he singled out four who were nevertheless understood to have kicked against their master, and to be now in communication with the leaders of the late opposition in the lower house. They were the archbishop of Canterbury, the lord-keeper, the lord-marshal, and the lord-chamberlain; and Ingram wrote as if Wentworth were himself perfectly aware of such promise of a more formidable opposition in preparation for another parliament.

It was quite true. The dissolution had brought men together who had not before acted in concert, and it was no longer an intrigue of Williams's, but a strong party combination, that Buckingham had to dread. Not that any interference from the lords could make a movement in the commons more dangerous, but that, if the prevailing rumours as to Lord Bristol were true, a movement might be expected in their own house. It was said that that lord, so long kept under shameful durance at Sherborne, had resolved at all hazards to force his case into public notice; and the matter is mentioned here because of the fact that Eliot's friendly relations with Conway at this time did not prevent his incessant communication with the men belonging to both houses who had grown thus impatient of Buckingham. With them, as far as possible, there is no doubt he was at present acting, and waited only the inevitable second parliament to declare with them for an impeachment of the minister. He will shortly be seen holding correspondence with some of the malcontent lords; and to him, as we have seen, even in his character of vice-admiral, had been first intrusted an incident more seriously affecting the king and his favourite, and that system of withholding state secrets from the council of which Lord Cromwell complained, than any which yet had occurred.

When Eliot next wrote to Conway, an apprehended conflict in Fowey harbour between portions of the French huguenot

and the French royalist fleets formed the subject of his letter. Apprehensive always of any formal rupture of peace with Richelieu, he was not more anxious for the sake of Soubise himself, than for the safety of the English town and the continuance of friendly relations with France, to prevent a possible attack on the huguenots in Fowey, and his earnest remonstrance, through Conway, with M. Mentu the royalist admiral, had the effect of preventing the attack apprehended.<sup>4</sup> A danger nevertheless arose from another quarter, threatening hardly less evil consequence, and amply justifying Eliot and his friends in their increasing hostility to Buckingham. It was the case of a French ship with a cargo of extraordinary value, seized by the lord-admiral's officers under pretence of her carrying Spanish goods; her cargo made the object of plunder and extortion, in which Bagge played infamous part; and the ship herself, after her release and restitution of her lading had been directed by formal decree in the admiralty court, again detained by special order of Buckingham. The circumstances led to great excitement because of the many sharp reprisals made by France, whereby English ships were seized at sea and embargo was laid in French ports on English merchant goods. There had been no such excitement connected with any maritime seizures in the west; and it was in the midst of the agitation caused by this case of the *St. Peter* of New-haven (as Havre then was called) that news of the great disaster came.

In the middle of October the expedition had sailed. Its instructions, made known simultaneously with the failure of the extravagant hopes built upon them, were for destruction of ships and stores in Spanish harbours, for seizures of treasure, and for interception of a rich convoy of Spanish merchantmen from the West Indies. It was, in plain words, an attempt to fill the king's empty coffers by a piratical foray on the wealth of Spain; and hence the secret appetite with which both king and duke had pursued it. But, ill-manned, ill-provisioned, and ill-commanded, it failed in every point. Sailing for Cadiz bay, the shipping in that harbour might with ease have been taken; but the Spani-

<sup>4</sup> S.P.O. To 'my very good lord the Lord Conway, principal secretary to his majesty at court, Plymouth 26th November 1629.'

ards were able to secrete their ships further up the harbour while time was lost at Fort Puntal, which, after the English captains had wasted their batteries upon it for four-and-twenty hours, surrendered, at the mere summons of a portion of the troops landed next day, without firing a gun. Wimbledon, landing the rest of his troops, then gave order for destruction of the communications with the mainland which Essex had found easy in the great queen's time, and which, if the Suazzo bridge now had been as promptly dealt with, would have laid Cadiz open to attack. But, as Eliot afterwards bitterly described it, it was a dry and hungry march into a drunken quarter. Discovering on the way several cellars stored with wine, the troops became insubordinate, drunken, and disorderly; and Wimbledon in a fright, without either a capable man's resource or a strong man's decision, carried them headlong back to the fleet without having seen an enemy. At first he thought of retaining Puntal for better intercepting of the expected convoy, but all attempts to restore discipline were hopeless, and he reëmbarked with ignominy. He then cruised about after the Spanish fleet for eighteen days; suffered it to escape him unobserved during the night; and returned to Plymouth with disease and mutiny raging on all sides around him, the officers loud in denunciation of his incompetency, and the men decimated by a sickness which they attributed to foul play and dishonesty in provisioning the ships. Hundreds of seamen and soldiers were landed in a dying state, and more than a thousand were said to have perished before the ships reached harbour. For many months to come the appalling extent of the disaster showed itself palpably in every road and town on that western coast, and above all in the streets of Plymouth.

There was an inquiry, and of course nothing was elicited. The discontents of those engaged in the business were represented chiefly by the son of that Essex who had struck such a blow at Cadiz with a far inferior force, and his complaints had begun before the expedition sailed. But as the officers preferred their charges against Wimbledon, he in return accused them and accused everybody, and so the idle reproach went round for months, with no result but to add to the keen mortification of

king and favourite, by turning all men's thoughts in the one direction where alone responsibility could be fixed. Beyond question, this Cadiz expedition was the turning-point of Buckingham's fortunes and of the hopes of the new reign. It rendered necessary a second parliament, when the court was least able to resist demands sure to be made; and it strengthened, at a critical time, the combination forming against Buckingham. Here everything had been secretly planned by him, the arrangements were wholly his, and his was the guilt of the failure. Where was the security against future humiliations like this? A cry of shame rose on every side; and the national discontent soon to find eloquent expression, now first took the form of that belief into which at last it settled universally, that there was no hope for the kingdom or king till this all-powerful and all-incapable minister should be struck down.

The ships came straggling back into Plymouth through the first three weeks of December, and on the 22d of that month Eliot had occasion to write to Lord Conway. He had been asked to send, in his official packet for the secretary of state, a letter from Conway's son with particular charge that it should be conveyed to his father's hands. In that, Eliot was happy to serve both father and son, to both of whom he felt so much engaged as to make him hold it for an honour that he should be commanded by either. In the general letters transmitted, Conway would find some return to the commission they had received concerning the troops, and some account of a service wherein there was much difficulty. It will be remembered that the victualling of the ships had been intrusted to Bagge,<sup>5</sup> and Eliot now without reserve spoke of that transaction.

'The miseries before us are great; and great the complaints of want and illness of the victual. There is now to be buried one Captain Bolles, a landsman, who died since their coming in; and with much grief expressed the occasion of his sickness to be scarcity and corruption of the provisions. The soldiers are not in better case. They are in great numbers continually thrown overboard; and yesterday fell down here seven in the streets. The rest are most of them weak; and unless there be a

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<sup>5</sup> In *Yonge's Diary*, p. 89, will be found bitter mention of Sir James Bagge in connection with this business as 'worthy the halter.'

present supply of clothes, there is little hope to recover them in the places where they are lodged.'<sup>6</sup>

Other correspondents of Conway were at the same time writing to him as unreservedly. One of the sea-captains engaged, Sir Thomas Love, summed up his charge against those who had set forth the fleet, as having supplied it with men sick, victuals bad, drink scarce, and ships leaky. Sir Michael Geere declared that the meat was not in quantity half the king's allowance, and that it stank so that no dog of Paris garden would eat it. With which letter went at the same time appeals from Conway's fellow-secretary Sir John Cooke, imploring help for God's sake in procuring money. Without money they were all ruined. The advances for this miserable expedition had not been paid, and now without present means the unhappy seamen and soldiers could not be discharged. If money were not supplied, the danger would be greater than the misery and more grievous to be borne.<sup>7</sup> So pressed, Conway had no alternative. The privy-seals were at this time due; and there had been a proposal, as parliament must so soon be called, to dispense with the collection. But a month's delay might be fatal, and the collectors were sent round. The people were to be heavily and lawlessly taxed for the very enterprise that was daily causing them so much bitterness and shame.

In his next letter from Plymouth, written nine days after the last, Eliot has a suit to urge in connection with those privy-seals, now everywhere promptly provoking dissatisfaction and resistance. The deputies appointed for the levy in Cornwall had shown their spleen against himself by returning his father-in-law, Mr. Gedie, for an exorbitant amount. There was no pretence of disaffection in the case. Mr. Gedie had served only the preceding year as sheriff of Cornwall, and his estate was still suffering from expenses consequent thereon. Yet he was certified for an amount of which the oppressiveness appears in the fact that it doubled the highest imposed upon some of the richest

<sup>6</sup> S.P.O. To 'my very good lord the Lord Conway, principal secretary to his majesty at court; from Plymouth, 22d December 1625.'

<sup>7</sup> S.P.O. These letters will be found under the respective dates of the 11th, 14th, and 30th December 1625.



estates in Yorkshire, Sir Thomas Wentworth being taxed ~~th~~ twenty and Mr. Gedie for forty pounds. Eliot's letter is nev~~er~~theless so worded that it would seem hardly possible to ha~~ve~~ asked a favour with so careless and light a sense of the obli~~ga~~tion to be involved.

'The sum we value not; and, I beseech your lordship, conceive me ~~in~~ for that apt to importune or underprice your honour in the trouble of ~~me~~ poor a thing. But the circumstance, which gives it another taste; a the satisfaction of my father-in-law, that to me is of far more con~~se~~quence; I desire your lordship to make my interpreters, and to recom~~me~~nd them as my excuse. For these reasons I humbly pray your lordship help to give us a discharge, which to your power I know as easy as yo~~ur~~ will.'

He will as little permit himself to doubt of the easiness as of a common courtesy. He has also a suggestion to make by which Co~~n~~way, pressed as he is, will be no loser. For, that he might not, continues to say, in this seem an impediment to his majesty's gr~~and~~ purposes, which he should always study to advance; and as ~~the~~ taxation of Mr. Gedie himself had been made as a relief for son~~ne~~ other; he had in a note therewith returned a name for that supply of yet more sufficiency and fitness, belonging to one that had neither borne public endeavour or charge, and who was in estate and money rich and a usurer, which latter fact, Eliot added with sarcastic allusion to practices very prevalent in such matters, he believed had made him a passage out of the first certificate. Leaving this however to Conway, he repeats the other request, and says he shall not fail to acknowledge the honour of his dispatch therein. Conway's noble son, he adds, was well. Eliot had had the honour, those Christmas holidays, to wait on him at Port Eliot, from which they had come together to Plymouth last night to dispatch some business with the commissioners for the fleet; and he hoped they should return again that day. 'I shall be happy in anything to serve him, and if I may find opportunities fully to express myself, your lordship shall therein see that I am your most humble servant, J. Eliot.'<sup>8</sup>

But though writing thus in the tone and with the deference which became the vice-admiral of Devon, in friendly intercourse with the king's principal secretary whose son he had been entertaining at his house, Eliot was at this time not the less firmly settled in the course he had deliberately chosen, and prepared to run all its risks and dangers.

<sup>8</sup> S.P.O. Dated 'Plymouth ult. December 1625.'

Before <sup>the</sup> friv<sup>ol</sup> attending him in it, and following him to London, the discover<sup>ing</sup> the try at Port Eliot of a letter addressed at this time to the bishop<sup>st</sup> ttorney of Exeter will show what last was occupying his thoughts <sup>v</sup>ling to then he left his friends and neighbours in the west. Among his great <sup>estates</sup> in the parish of St. Germans was the manor of Cudden<sup>st</sup> been peck (or, as he writes it, Cuttenbeake), long held on lease by his<sup>t</sup> the <sup>his</sup> family under the bishop of Exeter, who had there formerly <sup>e</sup> hated occupied as a country seat the mansion afterwards a jointure<sup>h</sup> <sup>ker</sup> ' house of the Eliots. Here Sir John had been staying before C<sup>t</sup> bishop<sup>st</sup> Christmas, and from it he writes to the then occupant of the <sup>se</sup> <sup>suspen</sup> Valentine Cary, who was succeeded two years later by Hall<sup>our</sup> off<sup>he</sup> the author of the *Satires*. Eliot was on the kindest terms <sup>vi</sup> <sup>r</sup> shou<sup>h</sup> both, for both were wise and moderate men; and the <sup>presen</sup> <sup>ect</sup> the<sup>t</sup> seems not to have been the only instance in which Cary had <sup>or</sup> power<sup>isted</sup> him to make due provision for the spiritual <sup>was</sup> <sup>of</sup> the <sup>pos</sup> <sup>hose</sup> around him.

... with P<sup>r</sup> As I have heretofore,' he now wrote, 'made many trials of your favour, I am again encouraged by those effects, wherein I have been formerly so much your debtor, to entreat your furtherance and help to this bearer Mr. Paige, and, in him, to me and the rest of my parishioners, who, upon the hope and knowledge of his goodness and sufficiency, desire to settle him here amongst us as our minister in the room of Mr. Dix,<sup>9</sup> now placed elsewhere, and willing, at our instance, to leave this cure to him. The stipend belonging to it is small, and not worthy of a scholar or able to maintain him without helps, which have heretofore been added by some particulars,<sup>10</sup> and I believe will be still to a man of their affection and choice . . . I doubt not but his abilities will render him to your judgment fit, and his carriage secure me of that fear which I opened to your lordship of some others, wherein I shall be happy of so good a prevention, and esteem it a special honour to be effected by your means.' (The closing passages of the letter have reference to some occurrence not known to me; but they confirm the impression conveyed by the whole letter of Eliot's friendly intercourse with his diocesan.) 'I am sorry your lordship has neighboured with so many dangers, and that the poor cottage which I tendered to your use was not fit to receive you. I should have been glad of the opportunity of some nearness to your lordship where my attendance might have had a safe recourse, which now only my wishes have supplied: but as there is occasion or command, I shall always be expressed your lordship's most affectionate servant, J. ELIOT.'<sup>11</sup>

<sup>9</sup> Eliot at his death left Dix a small legacy.

<sup>10</sup> *Individuals*, we should say.

<sup>11</sup> Port Eliot mss. 'To my Lord Bishop of Exeter, Cuttenbeak,' 24th October 1626. He writes it also Cuttingbeake.

We shall see hereafter what comment is afforded by this letter upon the position ultimately taken by its writer in church affairs. For the present we may hope that we have left him, among his tenants and parishioners, to the ministry of the of the man of their affection and choice, the good Mr. Paige; relieved by the bishop's compliance from 'the fear' of having receive to listen to any other than pure doctrine; attached to the church, troubl'd by bonds which have not yet been rudely broken; and ready more with such zeal and service voluntarily to raise her poorer stipend to ends as to make them more worthy the acceptance of a scholar. far less easy

## II. *Eve of the Conflict.* æt. 33-34. is a while

What had continued to pass daily in Plymouth might and other western ports had been receiving meanwhile a pregnant interest from what was passing in London. It had been resolved that the king should be crowned at Candlemas, and that four days later (on the 6th February 1625-6) parliament should meet. To this end projects were on foot for defraying coronation expenses by fines of knighthood and other obsolete and lawless expedients, and for protecting Buckingham against parliament not only by the notable scheme already named of disqualifying for seats as many as possible of the members of the commons known to be disaffected to him, but by disabling similar disaffection in the lords with bitter example of the severity which the king meant in future to deal forth upon that house also. On the judges presenting their usual list of sheriffs, the king with his own hand erased seven names and substituted seven others: whereby Wentworth, Alford, Guy Palmes, and Fleetwood, who submitted and did not present themselves to constituencies, and Sir Edward Coke, Sir Robert Philips, and Sir Francis Seymour, who carried their elections but were not allowed to sit, were excluded from the house of commons. At the same time he called before him the lord-chamberlain Pembroke, and would not suffer him to leave the presence until a show of submission to the favourite had been made; he tried a like attempt, less successful, with the lord-marshal Arundel, whom he afterwards,

on a frivolous pretext, arrested and sent to the Tower; and taking the great seal from lord-keeper Williams, he gave it to his attorney-general Coventry. 'I go to-morrow,' wrote Sir John Suckling to Buckingham, 'to the lord-keeper's house to receive the great seal and be witness of the due disgrace of one who has been unthankful and unfaithful to your grace, and I pray that the like misfortune may befall all such as shall tread in his hateful path and presume to lift their heel against their maker!' Time had not yet come for proceedings against the archbishop Abbot, but not many months elapsed before he also was suspended; and thus it was proclaimed abroad, by example of four of the highest offices in the state, that whosoever thereafter should presume to lift his heel against Buckingham might expect the utmost personal retribution that vengeance could suggest or power inflict.

The position of Eliot, notwithstanding his amicable relations with Buckingham's devout friend Conway, had at this time been finally taken up. Nor will it seem strange that he should have maintained such relations with the secretary of state to the very eve of his impeachment of the favourite, if we duly weigh the circumstances. Though his personal intercourse with the lord-admiral had for some time ceased, he held an office under letters patent, from which, except upon proved misconduct, he could not be sequestered; and the correspondence he still continued with lord Conway after the decided line he had taken as to subsidies, and subsequently as to Buckingham himself, in the first parliament, shows that however offensive his opinions might be to the lord-admiral, and however far his powers in his county might on that account have been abridged by his former patron, he had yet been left in possession of his office, and in the formal exercise of many of its powers. In the use made of his letters in the present narrative no expression has been coloured or softened, and the reader accustomed to the phraseology of the time, and remembering the official deferences in use universally, will find in those letters nothing that reveals the courtier or dependant. He will yet be careful at the same time to remember that Eliot was a man of action thrown upon a difficult period; eager for influence in his own county; keenly sensitive to favour or

neglect; with just so much experience of office on a small stage as to have developed the consciousness of powers that fitted him for a wider theatre; and thrust back from all access to such honourable ambition that did not open at the portals of the court. If he paused awhile before the move that was to close these for ever, who shall blame him? If, while one of the conclave of the lower house in conference with the four disaffected lords, and fresh from those fierce debates at Oxford in which he had taken part against Buckingham, he yet wrote to Conway as with strong desire to further the purposes of the king, who shall deny him the excuses of a time that made conspiracy a duty, where ordinary men stumbled at every step, and the keenest-sighted daily lost their way? Sir Benjamin Rudyard is still courtly and compliant, and has just written to Nethersole rejoicing that Philips and Seymour should be rooted out of parliament as weeds that choke the harvest; but no one questioned his patriotism when in a few months from the present date he took part in Buckingham's impeachment as one of the assistant-managers. Sir Dudley Digges will shortly be with Eliot in the Tower, and soon afterwards an applicant for the reversion of the mastership of the rolls; yet he was certainly not a man either dishonourable or dishonest, however timid he might be. Sir Robert Cotton acted warmly with Eliot and the patriots in the first parliament, and at the opening of the third he was tendering counsel to the king in language of which the obsequious forms have yet left no impression unfavourable to his uprightness and honour. Wentworth had been marked for disfavour on the same ground as Eliot; yet he, who was to be one of the leaders of the extreme opposition in the great parliament of 1628, was now sounding Conway, within a fortnight from the opening of January 1626, as to the vacant presidency of the north, and was protesting that he would not move further in it till he knew also how his suit might please my lord of Buckingham, seeing that as such a seal of his gracious good opinion would comfort him much, and make the place more acceptable, so was he resolved not to ascend one step except he might take along with him a special obligation to my lord duke, from whose bounty and goodness he not only acknowledged much already,

but under the shadow and protection of whose favour he desired still to repose and rest.<sup>1</sup> Nothing like this can be alleged of Eliot. The very worst to be said of him can be said without a blush. He deliberated before he finally determined; when his decision was at length taken, to make implacable war upon the man to whom in the old time he had been indebted for favours, not only was the danger of such a course at its highest, but the provocation was at its highest also; he began his bitterest attack when the king had thrown his shield over Buckingham, but not until Buckingham had left England defenceless and disgraced; and when once he had entered on the path so chosen, he held it unflinchingly and fearlessly, with a courage that heightened as the way darkened, and a resolution that never blanched or faltered.

Of his own consciousness of the extent of the danger that had for some time surrounded him; of the precautions taken against it; and of the arrangements blended with these to make provision for all needful information in the way of his office; a curious illustration is afforded by a document preserved in the state-paper office in the handwriting of one of Conway's secretaries, and purporting to be an 'abstract of papers found in 'Sir John Eliot's chamber,' doubtless at the time when it was searched four months from the present date. One of these is headed 'Sir John Eliot's instructions to his agent,' and bears date the 15th January 1625-6, the very time when Eliot was carrying his election to the second parliament.

According to this paper, which, though 'abstracted' in such suspicious circumstances, may probably be accepted as genuine, Sir John had instructed his agent to continue either at London or at court, but especially at court, to inquire for intelligence from all parts; and, while in London, to frequent the exchange, and apply to Mr. Burlamachi and certain other merchants whose names were indicated, who would be able to furnish him with news from distant places. He was to attend the council-chamber; to obtain notice of all special and public acts, of commitments, questions, letters of direction and the like, in progress

<sup>1</sup> S. P. O. Wentworth to Conway, 20th January 1625-6.

there; to make a daily note or remembrance of them; and when anything extraordinary was going on, either in act or preparation, he was to give Eliot speedy advertisement of it. At court he was to be similarly watchful. He was to learn diligently as well the news and passages there as what reached the court from abroad. He was to advise Eliot of all things. He was to tell him of any alterations going on, of intendments as to public matters, of preparations of ships, of 'prests' that might be ordered, of employments, of the arrivals of ambassadors; he was to detail all reports as to a parliament or privy-seals, and as to favours or disfavours; and he was especially to collect what opinions or rumours were entertained upon the return of the fleet. For a man anxious to be armed at all points, and ready for every contingency, as having business in hand importing danger if at any moment taken unawares, these instructions put in practice formed certainly a perfect code.

Special occasions are next intimated when a conveyance was to be procured for Eliot from my lord Stanhope of London, if he were in town; or from my lord Conway at court; or from my lord-president, as he might find most ready. He was not, however, too often to give trouble in those quarters. But no packet was to leave without a diary of occurrences appended thereto. The agent was to keep his daily note or remembrance in such a form—'namely, such a day such a thing happened, 'such a report was, such a change, such a despatch, or the like'—that it might at once be filled in, sealed up, and 'so annexed 'to the packet.'

Finally, the instructions extended to the modes of transmission in 'ordinary passages,' in 'extraordinaries,' and in any letters intrusted to him by friends. He was to have intelligence and a good understanding with the packet-master, both at London and the court. He was to write the ordinary passages by every conveyance: Eliot being manifestly not a man who could afford to dispense with his daily or weekly paper, as the letter of news then was. In 'extraordinaries' he was to use the prompter and more instant way; and the packet was always to be directed in a different hand, never in his own. Further, if at any time he trusted such letter to a general packet, it was not to be

directed to Eliot, but to be enclosed to 'Ab. Jennens;' and, the paper concluded, 'when you send yourself, acquaint my friends; ' though not of the manner of your sending, yet that you *have* ' conveyance if they will write.' One might fancy such precautions fitlier taken in a court where Amurath an Amurath succeeds, 'not Harry Harry.' But the proofs are elsewhere abundant that there was now no security for correspondence; of the spy and traitor in his path Eliot had daily experience in the Baggs, Drakes, and Davyles soon to be familiar to our page; and the fact that we owe our knowledge of this very paper to a lawless seizure by the strong hand of power, may be accepted to explain its character and necessity.

Another paper formed part of the same plunder by way of 'abstract,' which might be received perhaps with greater caution if there were really any grave imputation conveyed by it. But it amounts to nothing more than anxiety on Eliot's part to get a colonelship and deputy-lieutenancy in his county, alleged to be vacant by Sir Richard Edgcombe's death. For this he was willing to incur the obligation of applying to Lord Pembroke, with whom he was at this time in communication as to Buckingham; but was extremely unwilling, in preferring such a suit, to expose his name to the handling of the lord-chamberlain's officers and dependants. He told his agent, therefore, that he had written to his kinsman Mr. James Eliot to solicit my lord-chamberlain on his behalf for the place; and the agent was to go and press Mr. Eliot to all the speedy and earnest application necessary, and to tell him that if any moneys were expected by those that are about my lord, Sir John would not spare for twenty or forty pounds, though he would not be seen in that himself, and would bestow upon Mr. Eliot as good a gelding as ever he owned. He further directed his agent to solicit earnestly one of my lord-chamberlain's secretaries, if Mr. Eliot should happen to be absent, and to make such promises as he might think fit, all which Sir John would make good. But to the secretaries his agent was to carry it altogether as a motion of his own, on intelligence met at London, and not as coming from Sir John. The whole of which, however, being writ on a particular night in January 1625-6, is retracted the very next



morning, Sir Richard Edgecombe being discovered to be not yet dead.<sup>2</sup>

The story may be fact or fiction ; but at the time Eliot is so stated to have been soliciting for a place of credit in his county in the lord-chamberlain's gift, it is certain that his county, of its own free gift, was ready to accord him a place of the highest honour. At the time when he believed himself to be excluded from Newport by some influence (probably the duke's, but this is not positively known), his county, through several of its leading men, offered to bring him in knight of the shire. But for the present, having doubtless good reasons, he elected rather to be returned for his own town ; and he arrived in London, once more member for the borough of St. Germans, at the end of January.

### III. *Leading the Opposition.* æt. 33-34.

Abbot crowned the king in Westminster abbey on the 2d of February. The ceremony was according to the ancient forms, but curtailed of much of the ancient splendour ; and a shadow as of the impending parliament seemed to rest upon the day. Sir Robert Cotton was in waiting with the book of the time of Athelstan of the four evangelists in Latin, on which for many hundreds of years the English kings had sworn their coronation oaths ; but his late service to the commons in way of precedents, now notorious, was remembered, and himself and his manuscript put aside. When that portion of the ceremony came at which, the king standing bareheaded before the altar, the people had to perform their part of consenting to receive him for their sovereign, they were silent till the lord-marshal told them to shout. And when all was over, and the king and the duke came wearily away, a remark made half gravely and half playfully by Charles, as Buckingham would have lent him his hand, perhaps expressed what had risen in the minds of both above all the pageant they had taken part in. 'I have as much ' need to help you as you to assist me.'<sup>1</sup>

<sup>2</sup> S. P. O. This paper is 'abstracted' on the same sheet as the other.

<sup>1</sup> D'Ewes's *Autobiography*, i. 292-3. 'I dare say,' adds Sir Simonds, 'he meant it plainly, yet searching brains might pick much from it.'

Through his especial functions in the ceremony, Laud, who had taken the duty of the discarded dean of Westminster (Williams), had gone with a somewhat heavy heart. So pressing was the need to assist Buckingham against the storm expected, that, but a few days before the coronation, it had been resolved in council to make concessions in religious matters by way of warding-off or moderating political discontents. The king had accordingly taken measures against recusants, and much incensed the French by disregard of some secret articles in the marriage treaty; while in the matter of Montagu it was decided, after anxious conference at Buckingham's, to leave him to the judgment of the houses. 'Methinks,' wrote Laud in his diary, after making entry of that decision on Sunday the 29th of January, 'Methinks I see a cloud arising, and threatening the church of England. God of his mercy dissipate it!' The prayer for the moment was perhaps thought to have been heard. That cloud did not break in this parliament. The storm for the present was to fall from another quarter.

The king was present at the opening of the houses on Monday 6th of February, but left his new lord-keeper, Coventry, to speak for him. They were called together for but a short time, Coventry told them; his majesty hoping they would make good use of it, and appreciate his feeling in desiring to advise with them immediately after the solemn rites that had wedded him to his people. Sir Heneage Finch, who had become recorder of London when Coventry was made attorney-general, was suggested for speaker; and though his address on the 8th, when presented, was absurd enough, the king's person rather than his prerogative was the object of the flummery. Heneage was indeed a much worthier person than the John, his distant relative, who in the next parliament, in the same chair, was to make the name despicable.<sup>2</sup> He had obtained deserved reputation at the bar, and with a dignified person possessed very popular manners. He was one of the members for London.

On Friday the 10th of February the houses first met for

<sup>2</sup> John's peerage died with him. Heneage died in 1631, when Littleton succeeded to the recordership; but his son was Charles the second's chancellor, and the name still survives in that better stock.

business; and as Eliot took his seat he missed of course some accustomed greetings. Philips, Seymour, and Coke, though pricked for sheriffs, had all been returned for their counties, and meant at first to have abandoned those seats, and tried the question with the court by obtaining others in different shires. But on Seymour offering Wentworth a borough in the west in exchange for one in the north, the backwardness of Wentworth, who had no taste for a conflict with the prerogative 'out of' parliament, broke down the scheme; and though Philips and Coke struggled on, and the gallant ex-chief-justice went so far as even to claim his writ for the county he had to serve as sheriff, he established only privileges of membership apart from the right to sit, and both had finally to yield. For that parliament at least, the court had doomed to silence the most eloquent and learned of all the utterances remembered in parliaments of the past; but only, as Eliot in his memoir has written and was doubtless thinking that day,<sup>3</sup> to show how sufficiently, upon so great a want, even *their* places might be filled. Plymouth had again returned his friend Glanville; whom the punishment for his service on the last day at Oxford, which the court had hoped would disable him, had only strengthened for better service. Pym again sat for Tavistock; Selden was returned for Great Bedwin; Mr. Littleton sat again for Carnarvon;<sup>4</sup> the crnate and fluent Digges, in as much resentment as beseemed so courtly a temper at the favourite's treatment of his 'father' the kind archbishop,<sup>5</sup> once more represented Tewkesbury; and Sir Robert Mansel, resenting not only old neglects but also very recent marks of Buckingham's spite and anger, sat for Glamorgan. No want of eloquence, or learning, or good indignation here.

Nor had Eliot to look round in vain for other faces, friendly

<sup>3</sup> Ante, p. 261.

<sup>4</sup> Browne Willis makes the return for Lempster, but this is a mistake; and generally careful as his returns are, they are never wholly to be relied on.

<sup>5</sup> 'He was,' says Abbot of Sir Dudley, in his narrative (*Rushworth*, i. 451), 'my pupil at Oxford, and a very towardly one; and this knowledge each of other hath continued unto this time. He calleth me father, and I term his wife my daughter; his eldest son is my godson; and their children are in love accounted my grandchildren.'

and resolute. Mr. Hampden of Great Hampden is here for Wendover, Sir Oliver Luke for Bedfordshire, Sir Thomas Grantham for Lincoln, William Strode for Plympton, William Coryton for Cornwall, Walter Long for Wiltshire, Sir Walter Erle for Lyme, and Sir Bevil Grenville for Launceston. His friend Sir Robert Cotton had not obtained a seat; but his old fellow-labourers, Sir Edwin Sandys and Sir James Perrot, sat again for their former constituencies, though they yielded now their pre-eminence in speaking to himself and younger men. His countryman and friend Henry Rolle, one of the greatest lawyers of the time, who lived to write the famous *Abridgment*<sup>6</sup> and to administer justice under the commonwealth and council of state, took his seat for Truro; and among other noticeable men of that profession were Wentworth of Oxford, Sherland member and recorder for Northampton, Bulstrode Whitelocke whom Stafford had sent to begin his long and busy career, Herbert who sat for Downton, Whitby member and recorder for Chester, Noye who again represented Helston, and Sheldon who sat for Bridgnorth and had succeeded Heath as solicitor-general. Of course his old constituents had returned Rudyard; Eliot had again been interested in bringing-in Marten as his colleague for St. Germans; Sir Thomas Wentworth had sent, to represent himself as well as the borough of Richmond in Yorkshire, his friend Mr. Christopher Wandesforde; and old Sir John Savile for the last time sat in Wentworth's seat. The other northern men, including keen old Sir Thomas Hobby who had sat in several parliaments of Elizabeth, mustered as on former occasions; and a word may be added of two new names, whose owners made themselves during the sitting briefly famous. Sir Edward Coke had sent in for the borough of Aylesbury his son Clement, who managed forcibly to represent also his father's ill-humour; and a very clever though eccentric physician, one Samuel Turner, for many later years medical adviser to the court ladies who all consulted and laughed at him, was now to make his first attempt in politics as member for Shaftesbury in Dorsetshire. He re-

\* Which, I may remark, Sir Matthew Hale edited with a noble eulogy on its author's learning, moderation, patience, justice, and dispatch; admitted 'even by royalists,' and rendering him a faultless judge.

presented the same place afterwards in the long parliament, and was very harmless.

The privy-councillors had not lost strength, if they had not gained any, in this parliament. Heath's promotion to the attorney-generalship had removed him from their ranks in debate, but they had been reinforced by the new vice-chamberlain and member for Hastings, Sir Dudley Carleton, an ancient diplomatist of amazing experience in foreign countries, with the drawback of having had small experience in his own. Sir John Cooke, having filled his purse by marriage to a rich city widow, was now become one of the principal secretaries on Sir Albert Morton's death, and had been returned by Cambridge university. Sir Robert Naunton sat for Suffolk, in disfavour with the court for having advised against some late proceedings; and Sir Humphrey May was again sent by Leicester.<sup>7</sup> Sir Richard Weston sat for Bodmin; and Sir Thomas Edmundes, remarkable as one of the smallest men in the house as well as one of the sharpest, and whose age had quenched none of his vivacity, represented Oxford university. They had not many followers to depend upon; but among the most staunch and reliable were the three formerly named, and whom their constituencies had again returned, Mr. Drake, Mr. Mohun, and Sir James Bagg.

The committees for privilege, religion, and the courts of justice having been appointed, upon the naming of that for grievances an opinion was expressed that its duties should be taken under separate heads. The new secretary thereupon reminding the house of his majesty's hint as to time, and that unreasonable slowness might produce as ill effect as denial, Eliot promptly arose, said he had a motion to submit, and took the place which all seemed ready to concede to him. Our sole knowledge of this speech hitherto, derived from allusions in private letters and half-a-dozen lines in the journals, has presented it as a general invective on the recent national disgraces, 'eagerly aiming at but 'not naming' their cause; but I have now recovered the speech itself, and find it to be of much larger scope in the way of coun-

<sup>7</sup> Though in the two previous parliaments he sat for Lancaster, he had been returned also to both for Leicester; but the present was a single return.

sel and policy. Its invective is quite subordinate to the design of it, which was to warn the parliament at their beginning, by examples of deceptions practised and losses incurred in former sittings, of the only safe course by which they could now secure themselves. It is throughout a practical summary of the lesson he had drawn from the scenes he has described in his *Negotium*, expressed with singular force.

‘Mr. Speaker,’ he began, ‘I have observed in the passages of this day the divers motions that have been made and the excellence of their intendments. I have called to mind the proceedings here of former times. I have remembered the affections and endeavours of our predecessors. I have with myself revolved, and (what in so short a time occasionally I might do) I have cast up, what successes, what issues, they have had; and from thence have drawn a consideration to ourselves what we may now expect, and what course we may best hold.’

What was it, then, he continued, that they had heretofore seen most verified in themselves; whether by art so contrived, or incidentally following their own oversights, he would not judge.

‘But the effects do show it, that we suffered. We suffered in the last, we suffered in the former parliament. I will not enumerate all our sufferings that way. I will merely make an intimation for your memories, how the times have slipped us; how they overpassed us before we could conclude, nay before we could almost begin, the business we came for. The business we came for, did I say? No, I am there mistaken. *That* we dispatched betimes, if not too soon! The business it is we *should* come for, I mean; the country’s business, the public care, the common good, the general affairs of king and kingdom: not the mere satisfaction of any private ends or hopes. *These* have overslipped us; *these* have passed beside us; though not without mention, yet without effect.’

After this exordium Eliot proceeded to say that he was not going then to begin a search as to how those things had been directed. But with what modesty he might, and without dishonour to so great a council, he would even assume the occasion to themselves; and that it was their own facilities, their own credulities, that had deceived them. From thence he would then be bold to derive some observations for the future; ‘ay, and for the time we are now in;’ how they might sort it, and how manage it, to their best advantage and the common good. And first he would make one general proposition, which he should afterwards reduce into some particulars; with consummate art proceeding thus:

‘And that is for supply. Sir, I am for supply; supply of means for the country; supply in government; supply in justice; supply in reformation; supply in aid of our long-neglected grievances. I am for insisting that these things may begin our labours; that we may settle *this*;

that we now prepare it, that we present it. Nay, I will go farther, *that we attend and take our answers before we admit, in other things, either treaty or debate.* But methinks I hear some courtier saying to me: You go now too far. You exceed your limits. It is not a parliamentary course you propose. You have no precedent for it. I crave him pardon that speaks or thinks it. If I err, it is out of love, not out of flattery; and though I am not warranted, yet I am induced, by former practices; if changing of persons do not change the case. Did we not, the last parliament, freely give that session to the king, upon the promise and assurance of his word to have the next for us? Did we not, in the parliament before, do the like? And in both have we not expressed as much faith and love as could be expected from poor subjects? Did we not, in the 18th of king James, grant two subsidies which were presently confirmed, and part without a session? Have we not, on our side, ended with trust enough, those three times, to endear the credit of our sovereign? May we not justly challenge it as in that respect deserved, to have his majesty now begin with us? For is it not the same in reason as for us to begin with him? Surely it is. The business is the same. And, though there were no law of retaliation, this would persuade and move it; that what is the country's, is the king's, good. Those that will distinguish or divide them, I dare be bold to say are neither good scholars nor good statesmen. As we, then, have broken precedents for the king, let it not seem strange we should now desire the king may do the like for us. Let us receive some fruit of all our confidence and hope, that we may send it as a satisfaction to our countries. And as I know it will affect them, it shall hearten me to strain myself hereafter wholly unto the king's desires, this being granted now.'

The councillors by this time were doubtless aware that his majesty had gained little by silencing Sir Edward Coke. Eliot now presented, in clear and masterly description, what in the last parliament that experienced person had demonstrated respecting the king's estate: how ill that had been husbanded or spent which was gotten with grievous injustice; and what a profligate waste there had been of all that might have spared the subject.

'Through whose occasion I speak not now: but what prejudice in this particular we have had! What losses we have sustained, losses abroad, losses at home, losses to our friends, losses to ourselves! How the king's treasures have been exhausted, how his revenues are impaired, how his reputation is lessened! In what strait our gracious sovereign has been left as to his estate, who has power to speak it, who has heart to think it, without an inward bleeding of his soul for so much wrong to majesty so long time unpunished! *Thesaurus regius anima reipublicæ.* The treasure of the king is the life of the subject. Hurt that, you wound the kingdom. Cut off the king's revenues, you cut off the principal means of your own safeties. You not only disable him to defend you, but you enforce that which then you conceive an offence—the extraordinary resort

to his subjects for supplies, and the more than ordinary ways of raising them.'

The next subject handled by Eliot brought the matter nearer home. It was unavoidable, he said, to their consideration of the alleged urgency of present wants, that they should inquire as to former outlay; and reminding the house that he had himself been a member in the twenty-first of the late king, and could speak to the conditions on which the subsidies and fifteens had then been given, he declared it essential now to have the account of that expenditure exactly rendered. By its too long delay, he declared, they already had suffered much; and from the tone Eliot takes in this remarkable portion of his speech, it is clear that the double check was always intended as formerly I have described it (in a passage<sup>8</sup> written before Eliot's manuscript was discovered); and that, while the king was to have advice from a secret council in the conduct of the war, the house, by means of their own commissioners, were not only to act as treasurers to the king in regard of preventing expenditure other than for the strict purpose, but were to disallow all outlay that went beyond the stated object for which hostilities had been undertaken.

'I confess there was an entrance made to it here last parliament, and a show of prosecution was continued at Oxford; but for the particulars, they were not pressed, but left as things forgotten. What is this but to make a parliament ridiculous? to pretend integrity and zeal for the common cause, and to desert it? to draw the judgment of the house into no regard? Consists virtue only in show or word? Is it a discharge of our duties in this place to *seem* affectionate and careful, not to *be* so? Do these walls comprehend our duties? and must they not extend beyond them? Pardon me, I beseech you pardon me, in speaking freely. I shall as freely do the service you command me. It stands not with our honours, it stands not with our gravities in this place, to be noted careless or uncertain; and I beseech you, once again, it may not so seem in this. The reasons at this time for pressing the accounts are more than ordinary; our former omissions have occasioned much of that prejudice in our affairs which has happened since; and the reach of the account I take now to be so large as to involve the consideration of our late adventure, and the search of the cause of our unhappiness therein.'

The orator had thus brought his hearers to the subject of which all were as eager to hear that day as few were willing to

<sup>8</sup> Ante, p. 83-4.



be the first to speak—the disgrace that had fallen on their arms, and the end of all the mighty ‘preparation.’ ‘And now,’ said Eliot, himself yielding at last to the passion for which he had prepared his listeners, yet even now, with wise control, not naming the author of their shame,

‘Sir, I beseech you, cast your eyes about! View the state we are in; consider the loss we have received; weigh the wrecked and ruined honour of our nation. O, the incomparable hopes of our most excellent sovereign, checked in their first design! Search the preparation; examine the going forth; let your wisdoms travel through the whole action, to discern the fault, to know the faulty. For I presume to say, though no man undertook it, you would find the ancient genius of this kingdom rise up to be accuser. Is the reputation and glory of our nation of a small value? Are the walls and bulwarks of our kingdom of no esteem? Are the numberless lives of our lost men not to be regarded? I know it cannot so harbour in an English thought. Our honour is ruined, our ships are sunk, our men perished; not by the sword, not by the enemy, not by chance; but, as the strongest predictions had discerned and made it apparent beforehand, by those we trust. Sir, I could lose myself in this complaint. The miseries, the calamities, which our western parts have both seen, and still feel, strike so strong an apprehension on me. But the particulars are too many to be instanced now. In their times they will appear more fully, as incidents to that account for which I now have asked, and which, if we consent to slight or overpass, may our sufferings evermore correct us!’

He was now, he told the house, about to close; but, as if remembering suddenly the pretence made at Oxford that all the subsidies given for the war had been spent before the Cadiz preparation, he quietly disposed of that argument as any excuse for the disaster, and then in dignified strain concluded:

‘Perchance, sir, it will be said that this concerns us not; that our money was long since spent in other actions, and nothing remained to this. To prevent such objection, I will make this answer, that I know nothing so prosperous or good in those former actions that may extenuate, much less excuse, the faults of this. Upon both particulars, therefore, I will contract my motion; this of the war account and that of the king’s estate. I desire there may be a settled order for their handling; that days may be prefixed to take them into consideration; and that committees thereto may be especially appointed, from which nothing shall divert them. So, by such seasonable and timely beginning, may we have a happy period and conclusion; and, by such order, preserve our times free from interruption, and produce something worthy the expectation of the country and our own labours. And the general suggestion which at first I made, I would not have forgotten; *that until these shall be perfected, and such other matters as shall be necessary for the supply of the country, no mention, nor overtures, nor motion, for others to be taken; but*

*that the common cause may have a full precedence. Which, out of an affectionate and pious care to secure the ways in which we are to walk, and to preserve the mutual honour and interests of my prince and country, I now must humbly move.*<sup>9</sup>

Eliot had scarcely resumed his seat when Sir George Goring jumped up and asked what he meant by the word 'courtier,' upon which Sir John was heard to explain himself. So the journals tell us, and upon that nothing more is imparted. Perhaps the eagerness with which so model a courtier as Goring<sup>10</sup> thus betrayed his dread that the word would carry an imputation, may be accepted as evidence of the effect produced by the speech: but a more decisive proof is afforded by the fact that every suggestion made in it was adopted; that the house at once took the path so impressively marked out; and that nothing afterwards drew them finally from it. A minister leading an overwhelming majority could not have had his terms more implicitly accepted. What was determined as to supply, we shall shortly see. Now it was resolved, upon Eliot's motion, that besides the committee of grievances of which Mr. Whitby was chairman, having sub-committees of inquiry to report to the house under special heads, there should be a committee for secret affairs over which Mr. Wandesforde was to preside, combining evils, causes, and remedies, to be in like manner separately taken and reported. Each subject, exactly as Eliot had moved, was to have its special handling and appointed day, and in a few days all were in operation; Eliot's unremitting activity in connection with them displaying itself in various ways, and above all in the fearless energy with which he dragged into light the scandalous story of the St. Peter of Newhaven.

A quantity of papers exist still at Port Eliot, throwing light upon these unparalleled exertions. They show how thoroughly in all respects Eliot led this parliament, and was the life and soul of its proceedings. It is impossible to print them in detail, but they will supply to my narrative from time to time illustrations of much importance. Occasionally, too, in the vivid glimpses they afford of what was passing not alone in secret committees, or in sittings with shut doors, but in more

<sup>9</sup> From Eliot's ms. at Port Eliot.

<sup>10</sup> Ante, p. 82.

private and personal conference apart from the house, they assume a striking interest. They establish, for example, that Hampden, though he took no leading public part thus early, and his name has never been connected with the prosecution of Buckingham, was yet ardently engaged in it as Eliot's friend and counsellor. It is from a paper in rough draft wholly in the handwriting of Hampden, and superscribed 'The Causes,' that Eliot, in several notes and memoranda folded up within it, appears to have drawn as from a brief the several subjects to which he applies his marshalling of proofs and evidence. But a brief extract will explain this better than any description; will show the character of the preparations made by Eliot; and, accepting this as only one specimen of some score and upwards in which the same 'causes' are further discriminated and digested for subsequent discussion at committees, will enable the reader to judge of the conscientiousness and labour with which the case was got-up against the great delinquent. From Hampden's paper of 'causes' I take the following :

'1. The increase of papists and the countenancing of them. 2. The narrow seas and the coasts have not been guarded since the breach of the treaties with Spain. 3. The pluralities of offices in any one man's hand. 4. The intercepting, the unnecessary exhausting and misemploying, the king's revenue. 5. The sales of honour in general. 6. The conferring of honour upon such whom the king's revenue doth maintain. 7. Buying of places of judicature in the commonwealth. 8. The delivery of our ships into the hands of the French which were employed against Rochelle. 9. Impositions upon commodities in general both native and foreign without assent of parliament.' (A 'cause of stop of trade' is added and struck out.) 10. The misemployment of the money given by the act of parliament, and not employing the money according to the four ends expressed in the act.'

To which I add one of the papers of memoranda by Eliot, of which as many as a dozen might be given in connection with these 'causes' alone.

*'To the 1st. The increase of papists and countenancing of them.*

'Occasioned by the duke specially in the north parts in bringing in popish governors, and men ill-affected in religion, to commissions and authorities.

'Instances: { Lord Scroope, president;  
Lord Rutland, justice in eyre;  
Lord Dunbar, deputy-justice in eyre  
from Trent northwards.

'The effects proved in Yorkshire, where in 10th James there were but 1,200 papists convict: since the Lord Scroope's coming thither president, 1,600 increased.

'This cause the *causa causarum*! a spirit moving between the king and his commissions; between the king and his promises; the king having, to the petition of the lords and us, declared himself against it.

*'To the 2d. The narrow seas not guarded since the breach of the Spanish treaties.*

'The keeping of the narrow seas the duty of the admiral. The admiral upon all occasions of necessity or wants must repair to the council.<sup>10</sup> The council must assist.

'My lord duke has not complained to the council, and has not required advice or help. Therefore, &c. &c.

'Nor could want be the cause. Three subsidies given—21st—Two since. The moneys upon the statute of tonnage and poundage amounting to &c. &c. Granted properly and wholly for that end. The subsidy of tonnage and poundage in Ireland in his own collection, and therefore might that way be justly employed.

'Nay, at the same times in which we stood in need and sustained most loss (as last summer, when upon order of the council for six or seven ships to be sent down into the west to secure that coast against the Turks, those ships so ordered could not be suffered to go), there was money enough for eight prime ships of the kingdom to be sent to be cast away!

*'To the 3d. Plurality of offices.*

'The duke Lord-admiral,  
Lord-warden of ports,  
Master of the horse.

Either one sufficient for one man.

'The admiral and the warden anciently looked one upon another, and either severally for the kingdom. Now those four eyes put into two.

'1. Too much for one man's care, &c. &c.

'2. Too much for one man's trust or power, and therefore in this particular a special cause not only of our evils but fears.

'Honour a reward. Men industrious in hope of preferments. Those places being possessed by one takes away the occasion of endeavour.

*'To the 4th. Intercepting, unnecessary exhausting, and misemploying of the king's revenues.*

'In embassies. Extraordinary rewards to ambassadors beyond the proportion of former times: Misemploying, in respect of great charge and expense, of ambassadors that are not of estate themselves. Whereas formerly men of great estate, &c. &c. The great rewards of these men beyond ancient proportion: when barons had but four pounds, privy-

<sup>10</sup> The king's privy-council, that is.

councillors four marks, per diem. Intercepting, in the taking-up of the moneys due upon tonnage and poundage, to other uses.

*'To the 5th. Sales of honour.*

'Honour the reward of virtue. Makes men industrious. Former wars maintained with less charge for them. Gentlemen in hope of honour, which could not be acquired otherwise, put themselves into these actions. Now so cheap and easy, made contemptible. Men having no other means to acquire a name, purchase honour.

'Obs. Difficulties of former times.

'Instance: Lord Burleigh, &c.

'Men of small estate purchasing honour fall into necessity and so dishonour.

'Sale of two in Ireland to a knight and a baronet. One got a viscountcy and the other an earldom.

'The places and rooms of honour supplied with men of mean and poor parts for singing or dancing: men of worth refused.

'Sale proved by instance. The Lord Roberts paid 10,000*l.* Witness, Jo. Kosuggan.

*'To the 6th. Honours conferred upon men whom the king's revenues must maintain.*

'Anciently honours were not conferred but upon men of good estates. To men of small estate other rewards were fitted to their worth which they might maintain.

'Instance: A grant of lands to the Lord Audly after the battle of Agincourt, which he gave away to others, himself not needing it.

'Lords in the upper house forbidden the parliament, having not estates sufficient to their honours, and therefore not to be trusted in a place of so great judgment. Now men of mean condition and no estate raised to honour and greatness which otherwise they could not get.

'Instance: The whole family of the duke:

'His mother,

'Lord Anglesey,

'Lord Purbecke,

'Lord Denbigh,

'And his sons.'

It is remarkable to observe in this paper, single example as it is of many similar notes of preparation, the germ of some of the most striking speeches afterwards delivered against Buckingham, not by Eliot only, but by fellow managers and accusers who had drawn their inspiration from him.

The ministers had been offering meanwhile no effectual resistance, probably taken by surprise at such unaccustomed energy. Two examples may be presented of their manner of meeting the

charges advanced, both taken from notes in Eliot's handwriting<sup>11</sup> of committee proceedings, as to which no other record exists. The first was upon proof offered by Eliot, as in the paper above quoted, that the narrow seas had not been well guarded. The not keeping a sufficient navy of competent ships on our coast, he said, was the cause of our enemies infesting us. To this Sir John Cooke replied, that by order of the council a competent number had been appointed. Eliot rejoined that he could not accept this answer for proof that the ships were actually sent. On one occasion, by the king's direction, the council made an order for certain ships to be sent to defend the western coast, which order was delivered to Sir John Cooke *and by him kept*.<sup>12</sup> Hereupon the secretary of state begged the committee to remember that he had received the order in question as one of the commissioners of the navy, and he had told the lords, on receiving it, that there was no money in hand to carry it out, but that if they would provide money the commissioners would provide ships. Eliot to this made bitter rejoinder. To what ends the money had been spent, he said, he knew not; but the end to which it was given, and tonnage and poundage were voted, was for defence of our coasts, and for that especially. But he had further to remind the secretary that there were ships at that time actually ready upon the seas, *of which some had been sent to Rochelle* that might have done the service required. The secretary said no more, and upon question a resolution passed that the narrow seas had not been well guarded.<sup>13</sup>

The second was also upon a report by Eliot on the employment of English ships against the protestants of Rochelle. He stated, when handing it in, that the duke's secretary, and his chief instrument in the transaction, Mr. Nicholas, had upon examination confessed to have done all by directions without

<sup>11</sup> I have found two sets of these, both referring to the proceedings of this parliament, headed respectively 'N. 5, Extract. ex. origin. diar. com. '1<sup>o</sup> Car.' and 'N. 6, Minutes of the House of Commons 1<sup>o</sup> and 2<sup>o</sup> Car.' and shall quote them from time to time as *Eliot's Notes*. They supply information of much interest not contained in the *Journals* or elsewhere, and especially of what from time to time transpired when the house sat with its doors locked.

<sup>12</sup> See ante, p. 188.

<sup>13</sup> *Eliot's Notes*, n. 5, fol. 6, a and b.

commission, but that he refused to tell what they were, being matters of state. This called up Sir Robert Mansel, who said that their kings had never without consent taken any ships of the subject to serve a foreign state, nor had any of the king's ships before now been ever handed-over to foreigners: upon which Sir John Eliot submitted another formal resolution, charging the duke as responsible for the act, and therein guilty of a fourfold wrong, to the merchants, to the state and kingdom, to the parliament, and to the king. Then interposed Sir James Bagg, with a feeble attempt to stay the vote which was wholly unsuccessful. The committee passed Eliot's resolution, and declared the duke responsible.<sup>14</sup>

As each committee thus inquired and reported, much excitement prevailed. From each came, day by day, to the grand committee for evils, causes, and remedies, its quota of wrongs under one or other of the four divisions: prodigality and malversation in the king's revenue; misappropriation of the subsidies of parliament; scandalous new burdens and illegal levies on the subject; and, from the last three-years management of the state, not only disgraces and defeat abroad but shames and dishonour at home. The council of war and treasurers were called; and in spite of resistance from the king, the duke, and every member of the council except Mansel, the commons established their right of examining accounts of their own servants, and Lord Conway and the rest had to make return to Sir Dudley Digges, Sir Thomas Hobby, and Sir John Eliot.

But as the 'evils' daily accumulated thus, the 'causes' and the 'remedies' were concentrating and narrowing into one. To one delinquent each report pointed as the cause, and there only could lie the remedy. Yet what was to be done? 'Better for 'us,' cried Mr. Clement Coke, in the one famous exclamation which has procured for him a corner in history, 'better to die by 'our enemies abroad, than to suffer from an enemy at home!' Yes, but how deal with the enemy? in what form proceed to bring the several charges under one accusation? It was not as with Bacon or with Middlesex, where individual accusers came

<sup>14</sup> *Eliot's Notes*, fol. 15, a and b.

before the house with proof of wrong. There was in this case no time to proceed separately under special instances, and without laying such ground of proceeding the ultimate purpose might be barred. From the very circumstance that every one accused arose the difficulty of finding an accuser. It was their wealth that made them poor.

Then stepped forward the medical member for Shaftesbury with a prescription he thought suitable to the case. He had prepared, and now handed-in upon a paper, six queries that might perhaps assist them. These were to ask: Whether the duke, as lord-admiral, were not the cause of the loss of the king's royalty in the narrow seas? Whether exorbitant gifts to him and his kindred were not the cause of the crown's impoverishment? Whether the multiplicity of offices in him and his incapable dependents were not the cause of the kingdom's evil government? Whether his own inclinations, and the known papistry of his mother and his other kindred, were not the cause of favour to recusants? Whether the shames arising from sales of honours, offices, places of judicature, and ecclesiastical promotions were not caused by him? And whether, being admiral and general of the sea and land army, he were not the cause of the late disgraces to their arms, though he had himself stayed at home? Because, said Doctor Turner in conclusion, all these 'are famed 'to be so.' The inference of course was, that common fame might in such a case be accuser, and be a good ground for further proceeding, there or elsewhere.

It was not the doctor himself, however, who gave it that shape, but Eliot, who at once declared himself in favour of taking such a ground, the duke of Suffolk having been so charged in Henry the sixth's time. He further remembered, and the worthy gentleman would correct him if this were not true, that the now chancellor of the duchy so informed the commons, when they sat in that house together during the 12th of James, in charging divers 'undertakers' who had been brought in question.<sup>15</sup> Sir Humphrey May made no reply; but upon Sir Robert Harley asking whether a member there might upon common

<sup>15</sup> See ante, pp. 11-14.



fame inform against a person of the upper house, the speaker interposed and objected that the author of those queries had not made a distinct proposition, but only *whether* such and such things were so. A man might charge any other with wrong to the commonwealth or himself, but might not put in an inquiry *whether* such a man committed such an offence or no. Time was therefore ordered to be given to Doctor Turner 'to collect himself.'<sup>16</sup> The doctor, it is probable, never again in that sense collected himself. The ground laid at his suggestion became afterwards of much importance; but the doctor had no taste for martyrdom, and upon the first hint of complaint from the king he wrote to the speaker that he was very sick, and if he should go to his grave before the debate came on he hoped they would clear him as an honest Englishman.

But not yet has this subject reached the king, though he has found occasion to make other complaints. Early in March, Weston had carried to the house a second message for supply, to which the answer made accorded strictly with Eliot's advice. With devoted loyalty they told the king, that, for his service and the safety of his realm, they were now discovering the causes and propounding the remedies of certain great evils; and that in connection therewith they meant to assist and supply him in an ample measure. Hereupon Charles himself wrote to them; *an autograph letter*, if ever such was written. He was well pleased, as he said, that they should speak of their grievances in a parenthesis (which they had not done), and not as a condition (which they had); and he told them that after

<sup>16</sup> *Eliot's Notes*, n. 5, fol. 7, a. What had thus occurred is only now revealed to us by these notes. A sad jumble is made of the matter in *Rushworth* (i. 218), where what Eliot had said is given to Turner, and the occurrence is both misdated and misreported. There can be no doubt of the authenticity of Eliot's note (wherever he refers to himself he either leaves a blank or puts his initials); and it exhibits Dr. Turner in what clearly was the condition natural to him, of having had honour thrust upon him, not of achieving it. When Eliot's rooms were searched some six weeks after the present time, a copy of the 'Six Queries' was found in his handwriting, and is now in the state-paper office; and it will not be out of place to add that Sanderson, who had a court appointment and to whom Turner was well known, says (*Life of Charles*, p. 20)—'alas, poor doctor, he did but gape and had this clamour put into his mouth.'

a vote of supply he should be ready with redress ; but, he continued, suddenly letting loose the thought he could no longer mask or control,

‘ I must let you know that I will not allow any of my servants to be questioned amongst you, much less such as are of eminent place and near unto me. . . I see you especially aim at the duke of Buckingham. I wonder what hath so altered your affection towards him ? . . . What he hath done since the last parliament of my father’s time to alter and change your minds, I wot not ; but can assure you he hath not meddled or done anything concerning the public or commonwealth but by special directions and appointment, and as my servant. . . I would you would hasten for my supply, or else it will be worse for yourselves ; for if any evil happen, I think I shall be the last that shall feel it.’

The only remark made upon the reading of this letter which has been preserved, is that which fell from Eliot. ‘ We have ‘ had a representation of great fear,’ he said, ‘ but I hope that ‘ it shall not darken our understandings.’ The king’s letter was referred to a committee of which Sir Dudley Digges was chairman, with instructions that report should be made therefrom on the 27th of March. It was the day of the king’s inauguration, or as we should now call it, his accession, being the day in the previous year on which his father died ; and it was resolved that the vote of supply should then be taken.

Meanwhile the king had sent another message, angrily complaining of Clement Coke’s exclamation, saying that he had been put out of all patience by Doctor Turner’s folly, and desiring justice immediately to be done on these two delinquents. Nothing came of it, it is said ; except that Mr. Coke stood up to clear himself of any ill intention. But the little that did come showed the absence of any desire in the house unfairly to screen its members, and Eliot has thought it worth reporting.<sup>17</sup> Inquiry being made, it was found that though Mr. Coke had not spoken the words as charged, yet some words he had spoken that were open to ill construction, and for which therefore he must submit to censure. The question raised by Doctor Turner was hereafter to be discussed.

In the few busy days that had yet to interpose before the 27th of March, the pursuit of the great delinquent was continued

<sup>17</sup> *Eliot’s Notes*, n. 5, fol. 6, b.

with unabated zeal. It is worthy of note, however, that attempt made on the 24th of March to give effect to not Turner's queries, and by resolution declare the duke's complicity with his Roman-catholic kindred in popish projects, was not effected.<sup>18</sup> On the same day, with greater success, Eliot carried four resolutions against him. The first concerned neglects of his office of lord-admiral; the second, the multiplicity of his offices; the third, the buying and selling of honours and titles; and the fourth, the ennobling of mean persons.<sup>19</sup> On a subsequent day Eliot carried other resolutions upon the buying and selling of judicial offices, and the intercepting and exhausting of the king's permanent revenue; out of which he offered proof that there had been issued publicly to the duke, 'besides the 'private door,' in little above two years, ninety-one thousand five-hundred-and-twenty pounds. Eliot's unwearied energy was at the same time so strikingly shown in the St. Peter of New-haven inquiry, and this was attended by circumstances that elicited with so much force and vividness his dauntless courage, that the subject calls for separate treatment.

Before passing to it, the present position of Lord Bristol in relation to the king and the duke requires to be briefly noticed.

The king had by this time gravely involved himself with the house of lords. At the commencement of the session Bristol had felt that now, if ever, the disclosures must be made which the king and duke had lived in constant fear of since the day of his arrival from Spain. His writ of summons, denied him for two years, during which he had lived in enforced retirement at Sherborne, was sent to him on his application; but with a letter still forbidding his attendance, on pain of the royal displeasure. The result of his referring this letter to his fellow peers, with a demand for permission to arraign the Duke of Buckingham of high crimes and misdemeanours, was an order from Buckingham to the attorney-general to charge the Earl of Bristol at the bar with high treason. The lords thereupon voted to hear each charge in succession, and both were to be heard accordingly.

The king's weakness and obstinacy were now remarkably ex-

<sup>18</sup> *Eliot's Notes*, n. 5, fol. 9, a.

<sup>19</sup> *Ibid.* a and b.

He had a spleen still unsatisfied against the lord-martinet (Arundel); he knew that he held eight proxies, and could exert considerable influence in such a case as Bristol's; and he selected this time for ordering his arrest on the plea that he had favoured his son's marriage (without royal license) to the duke of Lennox's daughter. He was actually, while the peers sat, committed to the Tower. But the action of the lords thereon was so prompt and decisive as to astonish even more than it enraged the king. Having voted the arrest a breach of privilege, they immediately addressed the sovereign; claimed during their sittings, subject only to their own votes, freedom from arrest as of right in all cases but felony or treason; on the king's evasively replying addressed him again and again; refused to hear the attorney-general in support of the prerogative; compelled the king to yield after a three-months struggle; and on Arundel resuming his seat received him with a burst of cheering.

How little all this had helped either duke or king through the difficulty with Bristol, it needs not to say. The cross charges of the king against the earl, and of the earl against the duke and Conway, the latter being included in a subsequent proceeding, occupied the lords for the greater part of the session; and are only to be referred to here for the king's extraordinary and unsuccessful eagerness to protect himself against Bristol's disclosures. He appealed to the house not to give the earl equality with the duke by a hearing *pari passu*; he attempted to remove the case to the king's bench, so as to close his mouth as a witness; he made several efforts to deprive him of counsel; but the lords defeated him on every point, each peer voting as determinedly as if the case might next day be his own. And so at last the exposure came. The alleged treason of Bristol broke down altogether, and served only to elicit an easy reply. The alleged duplicity and falsehood of Buckingham, and by implication of Charles himself, were established incontrovertibly. Bristol, a very able man, conducted his case with skill and temper: and adduced proofs, which to this day remain untouched by any later evidence, of the design on the prince's religion for which the Spanish journey was contrived; of profligate and in-

solent conduct on the duke's part at Madrid ; of the sudden rupture of the treaty of marriage solely from personal resentment ; and of the falsehood and misrepresentation by which both the English parliament and the English king were afterwards deceived. His judges were left to remember for themselves that the Prince of Wales had been a party to the deceit.

The duke never replied to those proofs. He was too busy in preparing his reply to a more formidable accuser, representing the English commons and warmly pressing home the case of the St. Peter of Newhaven, who has put him on his defence in a matter too sharply engaging his feelings, and too deeply involving his agents, to be met by the indifference and scorn he had assumed in dealing with Bristol.

#### IV. *The St. Peter of Newhaven.* æt. 33-34.

The course taken by Eliot in the matter of the arrest of the French ship, the St. Peter of Newhaven, has now to be described. How strongly he felt upon it we have seen ; and in the many representations, petitions, and complaints urged upon him by 'merchants trading with France,' and preserved among his papers still, we seem to have so many witnesses yet living to account to us for that strength of feeling. One of the first notices given by him had relation to it, and he was named chairman of a select committee to inquire into the seizure and arrest of English goods and ships in France. On Wednesday the 22d of February he reported from this committee to the house for the first time, in a statement listened to with extraordinary interest. The passages became so crowded as he spoke that it was necessary twice to clear them, and Laud thought the matter one of so much moment that he dates from it all the subsequent heats and excitement. 'Wednesday, and the festival of St. David,' he writes in his diary, 'a clamour arose in the house of commons against the Duke of Buckingham, more particularly for stopping a ship called the St. Peter of Newhaven after sentence pronounced. From that day there were perpetual heats in the house.'

The facts, as brought out in successive examinations by

riot, were certainly startling. The St. Peter, conveying silver, gold, and jewels to the value of forty thousand pounds sterling, was taken at sea by the duke's cruisers in the latter end of September; and, on the mere possibility of Spaniards having some interest in her or her lading, was brought into Plymouth, without condemnation by any judge or court was stripped of some of her most valuable contents of which the duke's servants took possession, and was then sent up with the residue to the Tower. The indignation of the French at once declared itself by the seizure, on the 7th of December, of two English merchant-ships at Newhaven: and so sharp, in consequence, was the immediate pressure upon the council from other English merchants, that on an order made, a decree for restoration of the ship and goods was obtained from the admiralty. The date of the decree was the 28th of December, and the release of the ship was to take effect on or before the 26th of January. Nevertheless it was delayed; and on the 6th of February, to the consternation of all who had stirred in the case, the ship and goods were declared to have been again arrested by the lord-admiral, with authority from the king. But further French reprisals rapidly succeeded; the excitement became too great to be safely resisted; and after further pressure on the council, the result was a new decree from the admiralty-court reciting the former order, stating that its execution had been delayed to admit of the examination of additional witnesses, and that such witnesses having been examined, the ship was now to be released and restored to its owners. It did not however seem that the restoration had even then been made honestly. Some of the jewels originally taken had been appropriated past recall; and Sir James Bagg, again a member of the house, was alleged to have played a discreditable part on the duke's behalf in extorting consent from the Frenchmen for compromise, on payments inadequate to the loss, of several unlawful abstractions made by the duke's officers. It was not denied, in the opposing statements of Buckingham and his friends, that considerable sums of money had been taken out of the ship; but it was averred that no regard had been had to the duke's private advantage in the transaction, the money having been shown publicly to the king, committed to the keeping

of the marshal of the admiralty, Mr. Gabriel Marsh, and employed afterwards for the king's service. It was the repeated use of the sovereign's name, and the manifest determination of Buckingham to throw the responsibility from himself upon Charles, which rendered the matter difficult and dangerous of handling.

But Eliot never retreated before a danger of that kind. In his first report to the house he stated the case; declared himself satisfied upon the evidence that in one instance Sir James Bagg had extorted from one of the Frenchmen, 'as a stranger 'against his will,' consent to forbear his right to 150*l.* upon payment of 80*l.*; drew attention to the fact that the three several grounds, of the king's authority, information from the governor of the Tower, and consent of Sir Henry Marten, had been pleaded for the arrest on the 6th February; and recommended the house to hear Mr. Secretary Cooke as to the first point, Sir Allen Apsley as to the second, and the worthy and learned judge of the admiralty upon the third. But Eliot had hardly ceased when Marten rose; to the surprise of the house avowed himself to be in no degree responsible for the course taken by Mr. Secretary Cooke and others of the king's servants in the matter; and challenged further inquiry. Then followed sharp speeches from Cooke and the chancellor of the exchequer; and, upon Sir Allen Apsley being called in next day, he embroiled matters still further by declaring that he never, as governor of the Tower, sent information or advice to the duke that could have justified the second stay of the ship. Similar evidence was given by the lieutenant of Dover castle. In this condition the question was left, when the house (at a very late hour) broke-up on Thursday the 23d. It was resumed on Wednesday the 1st of March, when, after further report from Eliot, a remarkable scene ensued.

It began by Marten repeating his statement that so far from having advised the second stay of the ship, Mr. Burlamachi could testify to his having been ready even to grant an attachment, if required, against all concerned in the arrest; to which he added that, though upon the duke's previously applying to him for advice he certainly had said a second stay *might* be made 'upon pregnant 'proofs,' he had at the same time 'advised my lord duke to beware

‘of whisperers.’ This called up Mr. Secretary Cooke, who admitted that he had at the council-table maintained the right of seizing the ship, and also its policy; but that if he had erred in doing this, it was by the counsel of Sir Henry, who was specially brought by the duke himself that day to the council-board. Whereupon Marten started up ‘and denied giving the advice; and Sir John Cooke affirmed again that he did;’ and Marten of course made further appeal. ‘If the house believes Sir John Cooke, he cannot be an honest man; and if he affirm it, he must contest with him.’ Then friends interfered, as is usual in such cases; and the unseemly dispute closed with a modified admission from the secretary, that strictly speaking it could not perhaps be said that Sir Henry had advised staying the ship, though certainly the stay was confirmed on his advice. Marten never had been forgiven by the duke and the secretary since his speech in the former parliament, and this was now but the first payment of the grudge they bore him.

Passing this personal dispute, however, Eliot kept attention fixed to the various facts in the case implicating the duke, his agents, and his officers. He pressed so strongly the imputation of dishonest dealing with the Frenchmen that Sir James Bagg was at last impelled to address the house, and to deny that he had been a party to any composition for the coin seized by the admiralty marshal. That speech was delivered in the afternoon of Wednesday; and on Thursday morning the 2d of March, on the motion of Eliot, Mr. Gabriel Marsh was brought to the bar by the serjeant. As marshal of the admiralty he could not deny that the money taken had been handed to the duke. He could not state its exact amount because it was ‘sewed up in a girdle.’ He confessed that besides the gold and silver, pearls and emeralds had been seized, and ‘the pearls and emeralds he hath still.’ He did not attempt to conceal that ‘it was by Sir James Bagg’s persuasion’ he sought to effect a compromise with the Frenchmen, upon the final decision of the admiralty-court in favour of the ship. He had offered 80*l*, and ‘still thinketh it to be more than the pistolets came to.’ Had he offered less, then? He was pressed upon that point. Had the Frenchman charged him, in the presence of a member of that house, with having offered as little as 5*l*? He was unable so far to tax his memory; whereupon Eliot rose and informed the house that he had himself been present, in Plymouth, at a conference of these unfortunate Frenchmen with the duke’s officers, when ‘the Frenchman affirmed to Mr. Marsh his face, that he first offered him 5*l*, and then 10*l*, and so did rise by fives till he came to 80*l*.’ Worthy Mr. Gabriel Marsh had hoped to do honour to Sir James Bagg in his own despite by fathering a handsome proposal upon him, and now Eliot turned the laughter and



scorn against both. He seems to have had little difficulty in obtaining a vote that day ordering 'the duke to be apprised that the house desires to be satisfied why, after the legal discharge of the Peter, the same was again stayed.'

On Monday the 6th of March, the duke appeared at the bar accordingly, represented by Heath the attorney-general, to explain what was required of him. He admitted the order at the council-board for discharge of the ship, and his own direction for her stay; but the latter was not given, he said, until after consultation with, and authority from, the king. He had also fortified himself, before interference, with the sanction of five or six learned civil lawyers. The judge of admiralty had no doubt declared that proofs would be required to make the second stay legal, and upon failure of those proofs the ship had been restored. What more did the house desire? Already the French had done mischief to English commerce greater than any of which pretence on their part had been made. He protested against their carrying further what was 'not now a particular or personal cause, but a national controversy.' After the attorney-general had ceased, many members spoke, and conspicuously one of the western gentlemen, the duke's and Bagg's friend Mr. Drake; but though extraordinary exertions were made to drop the affair at this point, and the inconvenience of proceeding with it after the special averments made was vehemently pressed by the king's servants in the house, it was ultimately referred 'to the committee to consider of the answer of the attorney-general as to the second stay of the St. Peter of Newhaven.'

From that committee Eliot reported on Saturday the 11th of March, to the effect that they found the second stay of the ship unauthorised by any information communicated by the lieutenant of the Tower or any other person; that the manner of such a stay was a grievance; and further, that wrong had been done by the unlawful taking away of divers goods, silver, and jewels, at Plymouth, committed to the custody of one of the lord duke's servants, and not restored at the first discharge of the ship. Upon this a warm debate followed, occupying the entire morning, renewed in the afternoon, and prolonged beyond the ordinary time of the house's sitting, when a division was called for. Eliot and his friends resisted this, but it was finally passed, and the journals record the result. 'Upon great doubt whether a question shall now be made whether the second stay of the Peter, after admiralty decree, was a grievance or no, the question being twice propounded, and the voices doubtful, the house divided. The yeas went out, Sir John Eliot and Sir Dudley Digges, 127, the noes remained, Mr. Drake and Sir George Moore, 133.' The duke's friends had mustered in such force, had played

their game so well, had laid such pressure from the king upon the moderate and doubtful votes, and with so much dexterity had pressed the division at the close of a very long debate, that in a house reduced to 260 members they obtained a majority of six.

Eliot did not renew the struggle on the special question until Monday the 1st of May. He had meanwhile conducted all the conferences, as to the embargo laid on British ships and goods in France; had assisted Selden in contesting the power of 'excommunication' claimed by the ecclesiastical courts, in dispute of which several papers of his still remain; had been active in promoting the bill (passed the 25th March) for restitution in blood of Raleigh's son; had moved and presided at a select committee to search precedents for 'Doctor Turner's case;' had obtained the house's consent to a select and secret committee of twelve members for final preparation of the duke's impeachment; and exactly a week before had carried a decision against the duke, in a house of 396 members, by a majority of sixty, on which 'occasion Sir James Bagg and Mr. Fo-therby' were commissioned to make his grace acquainted with the resolution of the house, and that all the charges had been voted against him. All but one; and this, declaring the second stay of the St. Peter of Newhaven a grievance to the subject, was voted on Mayday in a house of 333 members, by a majority of 37.<sup>1</sup>

The king appears deeply to have resented this, and an attempt to reverse the decision was made on the following day. It failed; and again, on the charges being tendered in a legal form to be read, Sir Dudley Carleton, the vice-chamberlain, rose and made an urgent appeal. The charge as to the St. Peter, he said, was not fit to be transmitted to the lords. 'It will not prejudice the duke, for the king avoweth the act. This ship is restored, and in France; yet our goods and ships have not been restored, but more strictly restrained than heretofore. Doubteth the ambassador of France hath practised to incense this house, to the French's benefit and the loss of the English.' To which the only reply now made was to reaffirm the charge. The vice-chamberlain's closing allusion, it will hereafter appear, was directed against Eliot; and when, a little later in the session, it was sought to justify the outrage of his imprisonment, one ground stated for distinguishing his case from that of other members was, that in this matter of the Newhaven ship he had been actuated by personal motives, and had given preference to the French over his own countrymen.

'For if it please you to remember,' said Sir Dudley Carleton,

<sup>1</sup> *Journals*, i. 852. Wentworth did not sit in this parliament, but his intimate friend Wandesforde was one of the tellers for the majority.

defending before the commons the continued detention of Eliot in the Tower, 'when I moved for putting of the St. Peter of Newhaven 'out of the charges against the duke of Buckingham, and showed 'my reasons for that purpose, you know how tender Sir John Eliot 'was of it, as if it had been a child of his own; and so careful in 'the handling thereof by a stranger, that he would not suffer it to 'be touched though with never so tender a hand, for fear it might 'prove a changeling.'

Eliot could not have received a higher tribute to his statesmanship. Nothing pressed against Buckingham takes so grave an aspect, or appears fraught with consequences so disastrous, as this which Carleton would have turned into a reproach against Eliot. Viewed from the distance at which we stand, much that aroused against the favourite the bitter animosity of his contemporaries has lost all power of awakening ours, and to some of the charges embodied in his impeachment we listen now with a calmness disproportioned to the passion they then provoked. But the crime of driving two great nations into war by reckless folly, selfishness, and vanity, seems to us larger rather than less by the lapse of time; and we can understand why Eliot should have retained with so relentless a grasp, and why Selden should have selected as that part of the impeachment he was himself most eager to maintain, the charge of the unlawful seizure of the St. Peter of Newhaven.

#### V. *Eliot and the King.* ÆT. 34.

Monday the 27th of March, the king's inauguration day, had now come. Sir Dudley Digges was to report from the committee on the king's supply, Sir Benjamin Rudyard was to make a formal proposition thereon, and Sir John Eliot was to offer such personal offence to majesty as even he had yet failed to give.

After some difficulty the question put before the house took the shape of a suggestion for three subsidies and three fifteenths. This was a large sum; but the speech of Rudyard, who assumed his old character of mediator and moderator, showed anxiety rather for the manner than for the substance of the gift. Such

was the alarming condition of Christendom, he pleaded, that whatever was voted should be voted at once, if they desired happy issue to their deliberations. All would be lost if they did not now vote supply. Sir John Strangways, the member for Weymouth, rose after Sir Benjamin, and expressed dissatisfaction at the extent of the proposed vote, seeing that the demand at Oxford had been for only forty thousand pounds. However, if supply was to be given, their grievances must go hand in hand. The good Sir Thomas Grantham's sole objection to the proposal was in the matter of fifteens, which, as likely to be burdensome to the poor, he would rather give in other form. Sir Henry Wallop, member for Hants, for the same reason would have had the vote taken for four subsidies. Mr. Spencer, who sat for Northampton, thought three quite sufficient, even omitting fifteens. Mr. Wandesforde inclined to the original proposal. Sir George Moore, who had lately shown leanings to the court, did not object to the vote as proposed.<sup>1</sup>

At this point, when the debate was on the balance, and there seemed some wavering from the point to which Eliot's former speech had fixed them for the time, of not giving until their grievances should have received answer, Eliot rose once more, and again displayed the orator's highest qualities of influencing, controlling, and guiding his audience. Nor least effectively, perhaps, in his pleasant opening as to Rudyard, where one may see in him, even at this serious time, a humanity of nature not entirely proof against that lowest of intellectual enjoyments to which the highest intellects are prone. However 'punic' Sir Benjamin's 'panic' might have been, the little treachery was not likely to survive the turn thus whimsically given to it.

'Sir,' said Eliot, with allusion to their sovereign's accession to the throne, 'this day was begun with a happy auspice, and I hope we shall give it as happy a conclusion. Though our debate may be with some variety of opinions, yet I doubt not but our resolutions will be one; and that what difference soever there may be in particulars, we shall concur wholly in the general for the good of the king and kingdom; to that directing our motions as to their centre, where we shall fix our period and

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<sup>1</sup> *Eliot's Notes*, n. 5, fols. 9 b, 10, and 11 a.

rest. The gentleman that at first induced this proposition for supply, made a fine insinuation by discourse of the state and affairs of Christendom; inferring from thence, out of their relation to us, the dangers we are in; and so pressing the necessity of our aid. Wherein as his protestation was that the fears which he pretended were not *panic*, I shall add this, too, in honour of that gentleman, that I hope they are not *punic*. I hope they were not used as artifices to move us from the fixed station of our reasons. With satisfaction unto him and the whole world besides, let us observe and note them as things worthy consideration and respect; but not of such necessity and haste as should decline the gravity of parliament, and the due course of our proceedings. Let us therein retain still the preservation of our orders and examples, the dignity and wisdom of our ancestors. Sir, a special respect, in this proposition that is made, must be to the *ability of the subject*; what power he has to answer the occasions of the king. For I remember a story of Themistocles, that when, for the service of the Athenians, he required certain moneys of the Adrians, who were then tributaries to that state, he was answered that they were denied to furnish him by the two great goddesses of their country, *poverty and impossibility*. Under that sway were they then; such powers have no resistance; and if there should be the like divinities with us, certainly if we now refuse as they did our excuse were as lawful. But to know this, we must first look upon the condition of the kingdom and the state. That being known in truth, and compared with the occasions that are extant, will best give a direction to our judgment. Therefore, with this should we begin. Through that perspective must be shown the power and ability we are in; for, whatever we intend, the ability only can crown our purposes. Without it, all the promises we make will be of none effect. This, then, I propose to consider in two particulars; of estate and of will. For though the latter be not properly an ability, but a disposition, yet because it is that which must give motion to the other, I shall so call it here, and give it some few observations out of the reasons of these times and from the example of the elders. For the first, the ability of estate, I will not speak much singly by itself, but as it shall happen by mixture with the other. For, though many things might be urged of dilation to this point, upon the present condition of the subject, yet I am confident there shall never want ability in England, or in Englishmen, to supply the king with aid necessary and fit for the advantage and support of all his just occasions. But in ability of will; how the people stand disposed, how they are affected; there are many things observable for our affairs abroad and for our affairs at home. And first for those abroad in our late expedition to Cadiz. That was the first action of the king, and such first acts are not of least importance. Thereupon depends, as Tacitus has observed, the fame and expectation of whatever are to follow. Honour and contempt take their originals from thence; seldom afterwards changing, and that not without great difficulty and adventure. In this first expedition unto Cadiz, then, for which such preparations had been made, such immense provisions, such money buried in the employment, what has been the result? What encouragement from thence have we to render to the subject? What grounds of persuasion for the like? You have heard often what men and shipping have

been lost, as if they were offered as a sacrifice to our enemies. How our strength and safety have been impaired by that miscarriage and adventure, is too well known to all men. Sir, more than this, that inestimable jewel of our honour, which our fathers prized so highly, has been thereby cracked and blemished! I dare not say it is broken, but the lustre of it is gone; and what was our greatest riches being thus decayed, makes us less valuable with our neighbours. Now these great designs we know were undertaken, if not planned and made, by that great lord the Duke of Buckingham. He assumed the name of general; he drew to himself the power and sole command of all things both for sea and land; nevertheless you know he went not in the action. Fixed upon the person of this lord-general was the entire design; he had the whole command by sea and land; and yet he thought it sufficient to put in his deputy and stay at home! That for which the whole kingdom must be troubled was not thought worthy of his person; but a deputy, a substitute, must discharge it: and what encouragement that might give to the affections of the people, I leave to all men that have reason to determine. But was this our first miscarriage? Before this, sir, we had the action of Count Mansfeldt, and that was so miserable, and the men there sent so managed, as we can hardly say they went. Sure it is that they did nothing, and yet how few returned! The handful likewise which was sent to the Palatinate, not seconded nor supplied, it is known what fortune *they* achieved. I might speak also of the action to Algiers and others of that nature, and ask WHO IT WAS that in all these had the king's ear at pleasure, and fashioned reports and propositions at his will? We might remember, too, besides these actions and engagements, the treaties and negotiation that have been; the infinite expense they have cost and the nothing they returned. Nothing but loss and dishonour to our nation! And from it all such discouragements might well arise now, considering the abuses of ministers yet too potent, as, should a supply not be forthcoming at this time, might justly make apology for the subject.'

This was the most daring because the most undisguised attack that had yet been made upon Buckingham; and coming so immediately after the king's peremptory mandate against further questioning of one so near to him, some doubted at the first if it were 'timely.' So a private letter tells us. But Eliot had taken truer measure of the time. He had seen the necessity of at once fixing consideration to the point in which alone any hope now rested for them. They must break the favourite who must otherwise break them. It was not within possibility, after the inquiries opened and the results obtained, that there should be any middle course or bargaining. The time was past for it. That he or they must fall, Eliot knew now to be the only issue, whatever time must elapse before determining it; and when he had finished the house knew it too. Some gen-

tlemen, he went on, might say to him that those businesses of which he had spoken were foreign and forgotten.

‘Well, then, I will turn to our own particular business, the affairs at home, and the present administration of them. Sir, what satisfaction, what liking can be rendered, what encouragement, what heart, what affection, can it give, to that which is required? The oppressions, the corruptions, the exactions, the extortions, are so infinite as almost no part is free! Nay, hardly a man but has some cause drawn from those abuses which doth both dishearten and disable him. Honours made marketable! judicial places sold! and—what further shall I say? If justice itself is sold in turn, shall we not in fairness acknowledge the rule, *vendere quæ emeris gentium jus esse*? Cicero, in one of his orations against Verres, tells a story of how the provinces on a time were petitioners to the senate that the law for which they had themselves petitioned, by which all the corruptions of their officers had been made punishable, might be repealed. The senate wondered, and desired to know the reason why the repeal was sought of that which had been granted only in favour of themselves. But when they heard the answer they were satisfied. They found that those officers before the law passed, not having the fear to be questioned, had made their exactions simply for themselves, and for the satisfaction of their own private families and fortunes; whereas now, bent still upon the old practices, but held ever in terror by the law, they were enforced, besides providing for private friends, to make themselves friends at court, to procure themselves advocates, to procure themselves patrons, nay to corrupt the very judges for self-protection and defence if their cause should come in question. So that they who before made only single exactions for themselves, now did double their oppressions to that height, multiplying likewise the injuries with the occasions, that the spoil of the provinces seemed to be divided solely amongst them. Very natural, then, the reason of complaint which had so surprised the senate. But what application might this now have to us? How does it sort with the experience of these times? Why, sir, were not the truth and dignity of the author without question, it might be taken rather for a prophesy of ours than for a story of that age. We do not suffer only for the satisfaction of one kind of wrongdoers, but what is exacted in turn from our oppressor is made part of the oppression upon us; we feed not only the inferior and subordinate persons, but the great patrons; and that which should be our safeguard is turned to our further wrong. The description of Cicero is so like to the practices with us, that it seems to be a mere character of our sufferings. What oppressions have been practised are too visible; not only oppressions of the subject, but oppressions on the king. His treasures are exhausted, his revenues are consumed, as well as the treasures and abilities of the subject; and though many hands are exercised, and divers have their gleanings, the harvest and great gathering comes to one. For it is he who must protect the rest. His countenance draws all others to him as his tributaries; and by that they are enforced, not only to pillage for themselves but for him, and to the full proportion of his avarice and ambition. This makes the abuse and injury the greater. This cannot but dishearten, this cannot but discourage, all men well

affected, all men well disposed to the advancement and happiness of the king. Nor, without some reformation in these things, do I know what wills or what abilities men *can* have to give a new supply.'

Eliot here, after brief pause, held up before the house, in old rolls of parliament, two precedents by which he proposed to illustrate, from the elder time, that subordination of the power to the will of the subject in respect of ability to contribute, and that necessary subjection to both of the will and the wants of the sovereign, which formed now their only rule to follow. He would show them, in one and the same session of that house, a supply refused before redress of grievances, and granted upon redress. They were not to suppose, therefore, that his object, by what he had put before them, was to stop the proposition.

'Sir, that is not my intention. I will vouch from these precedents of our ancestors in old times, two denials in like cases, wherein yet they concluded with a grant. In the beginning of the parliament, as I would have it now and for like reasons, *they refused*; yet in the same sitting they consented, when, upon remonstrance of their burdens and necessities to the king, they had satisfaction in their particular grievances, which were so like to ours in all things but the time that I hardly can distinguish them. The first precedent was in 16th Henry III, when the commons, being required to make a supply unto the king, excused themselves; because, says the record, they saw all things disordered by those that were about him. But when, upon their advice, he had resumed the lands of the crown that were unjustly and unnecessarily given away; when he had yielded his ministers up to question; when he had not spared that great officer of his court, Hugh de Burgh, a favourite never to be paralleled but now, having been the only minion both to the king then living and to his father which was dead; when they had seen, as another author says, those sponges of the commonwealth squeezed into the king's coffers; then, though they had formerly denied it, they did freely grant an aid. Yes, sir, in the same sitting wherein they had refused, our predecessors in this place, having for their king's good received satisfaction in what they desired, did at length consent, and in such measure and proportion as the king himself confessed it was more than enough. The second precedent was in 1st Richard II; and herein I shall desire you to observe the extraordinary likeness of some particulars. First, for the placing and displacing of great officers. Then, within the space of two years, the treasurer was changed twice, the chancellor thrice, and so of others; so that great officers could hardly sit to be warmed in their places. Now, you can ask yourselves how it is at present, and how many shifts, changes, and rechanges this kingdom can instance in like time to parallel with that.<sup>2</sup> Secondly, as to moneys. I find that then there had

<sup>2</sup> The reader will remember, in connection with this passage, the letter of Wentworth's correspondent, ante, p. 267; and see p. 275.



been moneys previously granted, and not accounted for; and you know that so it is yet with us. Thirdly, there were new aids required and urged, by means of a declaration of the king's occasions and estate; and this likewise, as we know, agrees with our condition. Yet then, because of these and other exceptions made against De la Pole, the Earl of Suffolk, the minion of that time, of whom it was said that he had misadvised the king, misemployed his treasures, and introverted his revenues, the supply demanded was refused, until, upon the petition of the commons, *he was removed both from his offices and the court.* A commission likewise was at the same time granted for the rectifying of the king's estate; and because this imported an excellent intention and purpose of that parliament, though it had not the success and fruit it merited, I will be bold briefly to observe the heads and grounds it had. Upon which you will make your own inferences and judgment. It begins thus: 'and Eliot read from the roll he held :

"Whereas our sovereign lord the king perceiveth by the grievous complaints of his lords and commons, that his profits, rents, and revenues of his realm, by the singular and insufficient counsel and evil government of &c. be so much wasted, alienated, granted, destroyed, and evil dispended, &c. the king at the request of the lords and commons hath ordained, &c. to examine as well the estate and government of his house, as also all manner of gifts, grants, alienations, and confirmations, &c. of lands, tenements, rents, &c. bargaining or sold, to the prejudice of him and his crown, *and of all jewels and goods which were his grandfather's at the time of his death, and where they be become,*" &c. &c.

'Now, sir, exclaimed Eliot, breaking suddenly off from both his precedent and argument as he closed the reading of this last ancient roll, 'if there were but such a commission here with us! That we might examine the revenues of *our* king! That we might view that ancient garden, and those sweet flowers of the crown! That we might see them, even what they are now become, and how, the enclosure being let down, it is made a common pasture! Would that such a commission might be granted, if only that we then could search for the treasures and jewels that were left by that ever-blessed princess of never-dying memory, queen Elizabeth! O, those jewels! the pride and glory of this kingdom! which have made it so far shining beyond others! Would they were here, within the compass of these walls, to be viewed and seen by us, to be examined in this place! Their very name and memory have transported me.'

Bitter offence was taken by the king at Eliot's use and application of the two incidents of English history thus cited by him. With quick passion he resented them, and with restless anger again and again recurred to them; insomuch that men came afterwards to refer to this memorable speech as 'that in which the two precedents were quoted.'<sup>3</sup> Nor was it the close-

<sup>3</sup> It is so described in an imperfect ms abstract in our record-office under date 29th March 1626.

ness of the parallel that had so much affected him, as the reference the orator had seized occasion to make to that late attempt to put the crown-jewels into pawn,<sup>4</sup> wherein Charles was not less deeply implicated than Buckingham. Remarkable certainly was the daring that could have prompted at the moment such an outburst as that. More collectedly he resumed :

‘ But I must recall myself to the labour of this day, and taking up the observation which I left, that those former times have given us the example *that always to comply is not the duty of a counsellor*, I will ask what now we should do? Shall we refuse the aid that is required, or shall we delay it till satisfaction be given in such things as we reasonably desire? We will not refuse it. No; I would not doubt the justice of his majesty therein. *Fidelem si putaveris, facies*, saith Seneca. That confidence of ours will make himself, I hope, more confident of us; and so our concurrence in all matters easier. In the assurance of which, let us now do as our fathers did before us. Let us present our grievances, that the satisfaction given in them may prepare the people’s affections; but in the mean time let us so far yield to the proposition for supply as to make formal promise of the aid so urged by the king. For the act itself, the passing of the subsidy-bill, that may wisely and well have leisure to attend the dispatch of the rest of our affairs; to which I hope our vote will be as auspicious as in the beginning this day was prophesied to the parliament. For the amount, the three subsidies and three fifteenths proposed, I hold the proportion will not suit with what we *would* give, but yet I know it is all we are able to do or *can* give. And yet this is not to be the stint of our affections, but that we should give more upon just occasion. Sir, from the result of our deliberations I desire may be derived a full stream of happiness and felicity both to the king and kingdom.’<sup>5</sup>

Upon Eliot’s resuming his seat, amid the excitement his speech had occasioned, Sir Robert Harley, member for Herefordshire, thought it necessary to protest for himself that such paralleling of times would be referred to persons, and so he had doubts, which he could wish the house might resolve, whether that might not reflect upon the king. Eliot rose again on this, and said that ‘his parallels were not of the persons of kings, ‘but of their instruments;’ and the house, brought fairly round to his own temper, would permit for that time no further ques-

<sup>4</sup> See ante, p. 266.

<sup>5</sup> From Eliot’s original ms at Port Eliot. A brief and very imperfect abstract in *Rushworth* (i. 220-1), reprinted in the old *Parl. Hist.* (vi. 441), but, strange to say, wholly omitted by the editor of the more recent collection of parliamentary debates, is all known hitherto of this memorable speech, which had effects of such historical importance.

tion thereon. Sir Humphrey May indeed made earnest appeal against Eliot's proposal, which, he said, though not in terms of condition, would be held tantamount thereto, and such as might not be put to a sovereign; pointing out that the entire vote would not be more than two hundred and fifty thousand pounds; and imploring them in any case to give without limitation whatever they might finally determine.<sup>6</sup> The reply of the house was a vote nearly unanimous 'that three subsidies and three fifteenths 'be granted to his majesty in this session of parliament, payable at three separate times; *the bill to be brought in when we shall have presented our grievances and received his majesty's answer thereto;*' and to this resolution, from that time onward, they persistently adhered.

Next day the king sent to request the houses to attend him on the following morning at Whitehall; whither accordingly, at nine o'clock on the 29th of March, they went. He had brought them together, he then told them, for very distinct reasons. He had to give thanks to the lords, but none whatever to the commons, whose faults and ill-conduct it was his purpose then and there, through the mouth of his lord-keeper, to expose. Whereupon Coventry made a long speech, telling them that the condition appended to their vote of subsidies was a dishonour to his majesty; that the conduct of their debates had been insufferable, in permitting his greatest servant to be traduced by men who neither by years nor education could attain to that depth; that, even on the day of his inauguration, they had in that manner allowed his council, his government, and his servants to be paralleled with times of the most exception; that this violation of royal rights under colour of parliamentary liberty was not his view of the uses of a parliament, to which he would grant '*liberty of counsel, but not of control*;' that he must command them, therefore, to cease their unparliamentary inquisitions; that if they did not vote a sufficient and unconditional supply, they must expect to be dissolved; and that he should expect their final answer (it was now Wednesday) on Saturday next. 'Remember,' said the king, indorsing with angry

<sup>6</sup> *Eliot's Notes*, n. 5, fol. 10 b.

rudeness the insulting dictation of Coventry, 'remember that 'parliaments are altogether in my power for their calling, sitting, and dissolution; and therefore, as I find the fruits of 'them to be good or evil, they are to continue or not to be.'

Sir Robert Cotton could have produced no precedent, in his records of eight hundred years, for such a pretension as that. The forms of the constitution all men knew; but that they could be applied to the entire abolition of parliaments, no man had ever suspected. When the commons again met the following morning, there was much excitement and some consternation; and they sat with locked doors, placing the key in the speaker's hands so that no member should quit the house, a practice then very unusual. But, amid the agitation, Eliot appears to have preserved both his determination and temper. Heretofore what passed has been known only through one of Mede's letters to Stuteville; but I can now supply something further from one of Eliot's notes.

'As soon as they were met again,' writes Mede, 'Sir John Eliot 'rose up and made a resolute speech, the sum whereof was, that 'they came not thither either to do what the king should command 'them, or to abstain where he forbade them; and therefore they 'should continue constant to maintain their privileges, and not to 'do either more or less for what had been said unto them.' Eliot's own note is more ample, but to the same effect. All business having been stopped, he remarks, and the house resolved into grand committee, Sir John was called up. He said that in his majesty's speech were three generals, and he should make reply thereto. The first, a touch at their proceedings, on the ground that they had not been parliamentary. The second, a suing at the retrenching of those privileges by which alone they sat there. The third, a demand for increase of supply, arguing neglect in them of what was fit to have been done. To the first, he had to answer that the course taken was warranted by all former precedents; and for that wherein he had been himself brought into question, the paralleling of times made lately by him, he was as clear to his own conscience, and hoped confidently that all would believe he intended nothing by the precedents adduced but his majesty's honour and safety. To the second, he replied that the privileges of that house retrenched not the prerogative, but advanced the king's sovereignty and honour; whereas, on the contrary, what might they say to the claims put forth for the prerogative? His majesty's commandment upon them not to touch

by any inquisition that great man so near to him, was *ex diametro* opposed to the principles of their liberty. It had been the constant use of that house in all cases, and against the greatest subjects, to examine into whatever abuses might have tended to the danger of the public; and therefore to the third point, concerning supply, he could only answer that till they were resolved in that matter of the right to make inquisition into the conduct of the minister, it was not possible for them with any freedom to enter into debate for a subsidy.<sup>7</sup> He would in conclusion move for a committee to consider of a remonstrance upon these points to the king; and amid cries of 'Well spoken, Sir John Eliot!' the committee was forthwith named.

Word meanwhile had been carried to the king of the attitude taken-up by the commons, and a line added by Eliot to his mention of the remonstrance shows how prompt must have been the misgivings at Whitehall on that note of alarm. 'Defer 'it upon message from the lords touching some explanation.' A message so urgent, that in that same Thursday afternoon both houses were again in conference listening to what Mede, in a letter to Stuteville, calls a fair and submissive speech from the duke in the king's presence, of which the object was to expound his majesty's meaning about supply to have been, that if they could not conveniently do it by Saturday, they might take two or three days more; and, in apology for himself against those accusations which common fame was about to prefer against him, to assure them that he had been anxious to have the narrow seas well guarded, that he had really been reluctant to take the admiralty on the score of his youth until pressed by Mansel,<sup>8</sup> that he had desired extremely to lead the Cadiz expedition but was commanded otherwise by the king, and in conclusion, after a request to them to be more charitable, saying that if any

<sup>7</sup> *Eliot's Notes*, n. 6, fols. 17 b and 18 a. Also n. 5, fol. 11 a.

<sup>8</sup> The old seaman did not contradict this, and it may therefore be accepted as a fact; but his excuse was afforded by what the duke proceeded to state. 'Though I objected I was young and inexperienced, yet he said 'that by my favour with my master I might do more good in procuring 'payment for that charge &c.' *Rushworth*, i. 230. Such had become the condition in this as in all else, since the period of Buckingham's favour, that excepting by his means nothing whatever was possible that needed to be done.

man in especial blamed him, he did not blame that man, but thought he had done well.

Eliot was not moved by this allusion intended for himself. Only 'those that were indifferent or not much his enemies,' says Mr. Medé, appeared to be satisfied. It was indeed, even though it had not been so manifest a pretence, too late. As the duke stood there, with the monarch by his side, speaking in the name of the state and apparently unconscious but that the state was self-contained in his person, he embodied in visible form that very cause of offence which in the humility of his language he affected most to deprecate, and which the commons were now pledged to abate. He was as much an anachronism as the lord-keeper's exposition of the constitution, and it was too late to protect either the one or the other. In less than a week, the commons' remonstrance was presented to the king. It vindicated Eliot and his precedents; and as to Buckingham, claiming it for their undoubted right to inquire into the abuses of power, it announced their intention, in whatever ultimate form they might prefer their accusation, to proceed no otherwise in any particular but by ground of knowledge in themselves or proof by examination of witnesses.<sup>9</sup> The king's answer was a request that they would adjourn, as the lords had done, over the Easter holidays; and even this came to a sharp division of 120 to 150 upon the question of compliance. From that point the king made no further resistance; but in a message towards the close of April told them he had 'given way to their inquiries 'about the duke.' It was Hobson's choice with him.

On the twenty-second of that month the question of proceeding by 'common fame' so as to bring the several charges under one accusation, had been the subject of a remarkable debate, when the speakers against that mode of proceeding were Mallet, Browne (the member for Gloucester), Weston, and May; and its supporters were Wilde (the member for Droitwich), Littleton, Wentworth (of Oxford), Selden, Henry Rolle, Sherland, Noye, and Eliot.<sup>10</sup> Rolle pointed out that a lord of the higher house not being answerable in the lower house, if they could

<sup>9</sup> *Eliot's Notes*, n. 6, fol. 28 b, n: 5, fol. 12 a.

<sup>10</sup> *Ibid.* n. 6, fols. 21 a, b, and 22 a.

not present him on common fame he might never be drawn to answer. The civil law and the canons admitted it, said Noye. Without it, said Eliot, no great culprit could be brought to justice. If they might not transmit to the lords upon common fame, then must great men escape through the fear of danger in particular men to bring forward accusations. They had in that place no other way of inquiry. They had no grand jury to present a charge; yet faults were not to go unpunished because no man dared accuse. Selden put the same reason quaintly and pregnantly in the remark that the faults of the gods might not be told till the *terra parens* brought forth Fame. The vote declared it a sufficient ground.

The rest of the preparation was quickly made. On the day when that vote was taken the commons had perfected their charge, and advised the duke thereof by two of their members, who delivered to him the various heads comprised in it; and though, four days later, a delay was interposed by Glanville, who moved the insertion of a new article and carried it on division by 191 to 150, all was completed at the opening of May. A message then went up to the lords, desiring, with as much convenient speed as their occasions might permit, a conference for impeachment and accusation of 'a great peer of that house.'

But though the king had given way to the inquiries about the great peer, his own inquiries about Eliot and his precedents he had not consented to surrender; and it will be seen that he resumed them at an early opportunity.

#### VI. *The Duke of Buckingham impeached.* ET. 34.

To the twelve articles of impeachment originally drawn-up against Buckingham, the thirteenth, added on the report of Glanville, charged it as 'an act of transcendent presumption and 'dangerous consequence' that he should have applied remedies in king James's last illness against the order and in the absence of the physicians. This was to be opened by Wentworth's great friend, Wandesforde.

The subjects of the preceding twelve comprised plurality of offices, and appropriation by purchase of the highest employ-

ments, intrusted in the first, second, and third articles to Mr. Herbert; imperfectly guarding the narrow seas, so that the shipping trade was ruined, and corruptly seizing a French ship (the *St. Peter*) under pretence of its being Spanish, so as to provoke French reprisals on English commerce, committed in the fourth and fifth articles to Selden; detaining East India merchant-ships off Tilbury at a critical time as the means of extorting for their release ten thousand pounds from their owners, and delivering English ships for use against the protestants of Rochelle, given in the sixth, seventh, and eighth articles to Glanville; selling titles and places of judicature, handed-over in the ninth and tenth articles to Mr. Whitby; and ennobling poor kindred, with malversation of the king's revenue, undertaken in the eleventh and twelfth articles by Pym.<sup>1</sup>

The votes passed concurrently with the completion of the charges exhibited strikingly the desire of the leaders to deprive the impeachment of all colour of hostility to the king, as well as of any design to embarrass public affairs or intercept supply. Upon a fall in the value of subsidies, a fourth was added to the three previously voted; and upon the day when the eight managers were named, each having two assistants, to present the articles at conference with the lords, a bill for tonnage and poundage, accompanied by a remonstrance against its past unauthorised levy, was laid on the table of the house.

Apart from the presentation of each charge separately, assumed by the managers, two duties of more importance were reserved. Sir Dudley Digges was to open the proceedings in a 'prologue;' and to Sir John Eliot was committed the task of winding-up the whole in an 'epilogue.'

The drama opened on Monday the 8th of May. Among the assistants to the managers were Noye, Henry Rolle, Mason, Littleton, Rudyard, Sherland, Rich, Kyrton, Strangways, Erle, and Sir William Armyne; fit places, 'to their better ease and honour,' were set apart for each; and strict order had been given for 'silence of all the house without expression of any liking or disliking.' The conference-chamber was crowded at their

<sup>1</sup> Rushworth's account of these matters is not correct. The only safe guide here is the *Journals* of the house of lords.



entrance, and not a little to the surprise of many it was observed that the duke himself was present. Sanderson describes this as so disconcerting to the speaker of the prologue that it brought him to a full-stop in the middle of his exordium. The good Sir Dudley indeed, who could speak and write very well when he pleased, had at starting mounted up to such dizzy heights of metaphor, that it was not surprising he should lose his balance easily. Professing to deliver himself in 'plain country language, 'setting-by all rhetorical affectations,' he compared the monarchy to the creation, the commons to the earth, the lords to the planets, the king to the sun, the clergy to the fire, the judges and magistrates to the air, and Buckingham to a comet, 'a prodigious 'comet.' The duke jeered and laughed, say the letter-writers; and for a time, in bad taste as it was, his mirth might have had some excuse; but Sir Dudley hit more heavily before he closed, and the speeches afterwards delivered by Selden and Glanville were such as might wisely have given him pause. Nevertheless he continued, from time to time, his demonstrations of unseemly ridicule, until suddenly checked by Digges himself. 'My lord, 'do you jeer?' exclaimed Sir Dudley, with sufficient readiness to do that for another which for himself he had failed to do. 'Are 'these things to be jeered at? My lord, I can show you when 'a man of a greater blood than your lordship, as high as you in 'place and power, and as deep in the favour of the king, hath 'been hanged for as small a crime as the least of these articles 'contain!'<sup>2</sup>

With the eighth article Monday's proceedings closed. It was now grown late, and, in the homely language of one of the members present, 'the lords and all of us were in a sweat with 'heat and thirsting. We could go no farther. The lords desired that the rest of the charge might be the next day; and so 'we went all weary home to our lodgings about six o'clock at 'night.'<sup>3</sup> Nevertheless it was not to be next day; a sudden attack of illness had disabled Mr. Whitby, who was to open the ninth article; and an adjournment had to be proposed to the

<sup>2</sup> See Ellis's *Original Letters* (2d ed.), iii. 226. An obvious mistake is made by the letter-writer in substituting Glanville for Digges.

<sup>3</sup> From a paper in the Port Eliot mss.

day following, while Mr. Sherland prepared to take his place. The interval was employed characteristically. So incensed had the commons been at the duke sitting there that previous day, outfacing his accusers, that they were become resolute for his commitment to custody pending the issue of the impeachment. This had before been under debate, but was laid aside on the conciliatory message from the king. Again it had been started, on the morning when the charge was taken up; but the court party interposed such delays that to conclude it then was impossible. Now once more, on this Tuesday the 9th of May, it was resumed; and, excited by the warmth of the discussion, one of the duke's friends who represented Lichfield gave such extreme offence that he was then and there sequestered during pleasure. The scene altogether was a remarkable one, and till now has not been reported. A manuscript at Port Eliot<sup>4</sup> describes it for us, and presents to us both parties in the heat of the debate.

'A gentleman,' writes this worthy member (name unknown), 'suddenly stood up and began to speak of the proud and insolent carriage of the duke; that he would come and sit yesterday with the lords, and in such a place as all the reporters must stand just before him, which was done of purpose to discourage or abash them; and how he slighted what was said; and therefore concluded that he thought there could be no fair proceedings except he were either sequestered or imprisoned. Then many spake; much condemning the duke, and commending our gentlemen for their resolution. Then there arose a lawyer, one Mr. Dyott, one that hath often spoken for the duke, and spoke some unseemly words of the house, which sounded so ill as it stirred us exceedingly, and caused a great dispute, some speaking for him, others against him. But the house would not be satisfied; and Mr. Dyott was sequestered the house, and not to return before he petitioned, and confessed his fault at the bar. This being ended, our debate went on, when we sat till near 4 o'clock. Some argued that it was not justice to require a commitment before examination, and he heard; others that he was charged with treason and other great misdemeanours, and cited precedents of like nature. So when they had spent out all the speakers for the duke, it came to a question; and the greater sound was for the duke's imprisonment. Yet the other side would not yield unto it. So the house was to be divided; and they that would have him committed were to go out, and those that would not were to sit still. Then a gentleman stood up and said, *What! do you mean, now being so late, that you will divide the house?* It is apparent that

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<sup>4</sup> Partly written in a kind of shorthand, which I have had difficulty in deciphering. The spelling is here modernised.

*we have lost it, and that the ayes have it.* Others cried *Divide! divide!* Upon this the house went out in so great a number as, *then*, they that tarried within would yield it. But then we that were gone out would not have it, but by counting the polls to see who was stronger in the house. So then the privy-council came to the doors to desire there might be an end of it. They would yield. That our number was more. But we would not. Now we would be counted, and so should they. So both were counted; and there was but one hundred and five for not imprisoning, and two hundred and twenty-five for his imprisonment. And so after 4 o'clock we went to dinner. As soon as we had dined we met again, and by a committee the message for his commitment was read, and Sir Nathaniel Rich appointed to be the messenger.'

The precise time for its delivery had yet to be settled, and this was determined by Eliot's moving to reserve it until the opening of the charge was complete, and there was no danger of mixing up with it merely personal considerations.<sup>5</sup> It was accordingly resolved that it should not be delivered till Thursday. The speaker of the epilogue doubtless would have given much that the duke should again have confronted his accusers.

But this was not to be. On the morning the epilogue was to be delivered, Buckingham had absented himself;<sup>6</sup> and it was the prudent course to have taken. After Sherland had spoken in place of Whitby, and Pym in one of his weightiest speeches had closed the case, Eliot arose; and there has probably never been delivered a personal attack of more sustained or eloquent invective. 'This,' says the nameless member already quoted, 'was as bold and worthy a speech as ever I heard, only 'a little too tart.' It was a philippic of the highest order, irresistible in argument, and environed with a passion little short of terrible.

As this speech is now to be presented, it will not be too much to say, an adequate impression of it will first be obtainable. From the conference it was reported by the bishop of Norwich so imperfectly, that he had to tender apology for it on the ground that 'he could not get any help from the gentleman 'who maintained that part of the charge:' the gentleman being in truth at that moment in the Tower. Yet the bishop's is the sole report by which it has been known, until now that I print

<sup>5</sup> *Eliot's Notes*, n. 6, fol. 26 b. See also *Commons Journals*, i. 858.

<sup>6</sup> The duke's absence on the day when Eliot was to speak is observed upon in a letter in the Harl. mss. 383.

it here as preserved by Eliot, and bearing about the same relation to the other as the work of an artist with his own finish, to his rude sketch filled-in by a bungling hand. We now know that Eliot always spoke, though with careful groundwork of preparation in his elaborate efforts, upon the occasion as it arose; that the secret of his influence as a speaker, with himself as with Philips, consisted in that fact; and that his more striking speeches, as will hereafter more plainly appear, could not have been premeditated. But happily note-books were busy all around him;<sup>7</sup> and unquestionable evidence exists that the Port Eliot MSS, from which such invaluable contributions are made to these pages, had been prepared by himself from his own papers and other note-books, both before his last imprisonment and during its enforced leisure. He may have desired to leave behind him such authentic records of his career, but the more immediate object doubtless was to have transcriptions made for his friends. It was the invariable custom then, as Fuller tells us,<sup>8</sup> 'that gentlemen, speakers in these parliaments, should impart their speeches to their intimate friends, the transcripts whereof were multiplied amongst others.' A care in which also was implied infinite care in the original preparation. Arduous then were the self-imposed conditions of all intellectual labour; and in the remarks here made, there has been no intention to depreciate preparation or study as non-essential to oratory. Nowhere, not in the ornate quaintnesses of Digges, is its presence more observable than in the nervous invective and gorgeous declamation of Eliot; and we have it out of all experience, down from the orators of antiquity, that he who most patiently prepares will most readily acquit himself. The elaborate impromptu laughed at by the wit is the grave exploit of the orator.

<sup>7</sup> The king himself had as many as four or five note-takers, in all the sittings, available to supply him with reports of what passed. Upon a question of expressions employed in the very speech before us, the vice-chamberlain (Sir Dudley Carleton) afterwards told the house of commons 'that the king, hearing by common report that such words were spoken, and thereat being highly offended, sent for four, five, or six note-books, and therein found those words, or such in effect.' *Com. Journals*, i. 861.

<sup>8</sup> In one of the best prefaces ever written to the very worst book ever compiled (*Ephemeris Parliamentaria*, 1654).

In Eliot's general style of speaking the reader will have remarked, notwithstanding the many 'bookish' allusions introduced, there were few of those ornamentations and ornaments common to the time, and to not a few of its speakers. His vivacity was equal to his earnestness. But we would detract from it. He had in great perfection some qualities of an orator, clearness of statement, facility in details, abounding classical allusion, keen argument, logic, forcible and rich declamation; but in none of these he at any time, however briefly, indulge for its own sake. All are subordinated to the matter in hand. The style is settled, and the rest are servants. The result is an impression from all his speeches as of reading a thing not external to him, but at one with himself, a phase of his nature. Each was spoken for a purpose, and the purpose is paramount. Nothing is so rare, or so decisive of the highest order of speaking, as this interpenetration of every part of a speech by the subject to which it relates; so that nothing diverges from it, nothing interrupts it, and the grasp is never let go. It was in Eliot's case a *character*. A directness of aim that nothing could warp, a relentless pursuit of principles to their logical consequence, an inflexible personal vigour and persistence, distinguished his speeches from those of all his contemporaries. As he acted, he spoke; and when once he had fastened on the object of his wrath or his desire, he never quitted his hold.

'My lords,' he began, 'you have heard, in the labours of these two days spent in this service, a representation from the knights, citizens, and burgesses of the commons house of parliament, of their apprehensions of the present evils and sufferings of this kingdom; of the causes of those evils; and of those causes the application made to the person of the Duke of Buckingham; so clearly and fully, that I presume your lordships now expect rather I should conclude, than that anything more or further should be added to the charge.

'You have heard how his ambition has been expressed, by procuring the great offices of strength and power in this kingdom, and in effect getting the government of the whole into his own hands. You have heard by what practices and means he has attained them, and how money has attained them, and how money has stood for merit. How they have been executed, how performed, it needs no argument but the common sense. To the miseries and misfortunes which we suffer therein, I will add but this: that the right, the title of the seas, the ancient inheritance of our

princes, the honour of this land, lost or impeached, makes it too apparent, so much known. I need not further press it. But from hence my obligation must descend upon his other virtues, as they come extracted from his rude those articles which you have had delivered. And this by way of repective I will give so near and shortly, that I hope your lordships conceive it rather a help to refresh your memories than to oppress patience.

My lords, I will take the inward characters, the patterns of his mind, which you have heard them opened. And first, his collusion and deceit; as in themselves so odious and uncertain, that the ancients knowing what name to term them, expressed them in a metaphor calling *stellionatus*, from a discoloured beast so doubtful in appearance that he knew not what to make it. And thus, in this man's practice, we find it. Take it in the business of Rochelle. First to the merchants, by warts and fair persuasions drawn with their ships to Dieppe, there to be entrapped. Then to the king and state, with shadows and pretences of colouring that foul design which secretly he had plotted against Rochelle and religion. Then to the parliament, after his work was finished or in motion, and the ships given up into the Frenchmen's hands, not only in disguising but denying the truth of that he knew. A practice as dangerous, as dishonourable to us both in the precedence and act, as in the effect ruinous to our friends.

'The next presented was his high oppression, and this of strange latitude and extent; not unto men alone, but to the laws, nay to the state. The pleasure of his majesty, his known directions, his public acts, his acts of council, the decrees of courts—all must be made inferior to this man's will. No right, no interest, may withstand him. Through the powers of state and justice he has dared ever to strike at his own ends. Your lordships have had this sufficiently expressed in the case of the St. Peter, and by the ships at Dieppe.'

Some movement here among his audience reminded Eliot of the existence of a royal warrant in that case; and of excuses that might be, that indeed already had been, founded upon it. He knew it, for the warrant to Pennington was in his own hands. But now, as he did ever, he turned steadily aside from attempts to fix the king with responsibility, resolutely to fix it on the minister. Some one having privately whispered to him that the ships had been returned,<sup>9</sup> he paused a little, and resumed:

'My lords, I shall here desire you to observe one particular more than formerly was pressed, concerning the duty of his place in this. Supposing he might without fault have sent those ships away, especially the king's; supposing that he had not thereby injured the merchants, or misinformed

<sup>9</sup> Sir Dudley Carleton afterwards made it a charge against Eliot that he was 'informed in the house and privately told' as to this point, but that he went on as if it had not been said to him. *Journals*, i. 859.

the king, or abused the parliament; supposing even that he had not done that worse than all this, of now seeking to excuse himself therein by entitling it to his majesty; nay, my lords, I will say that if his majesty himself were pleased to have consented or to have commanded, which I cannot believe; yet this could no way satisfy for the duke, or make any extenuation of the charge. For it was the duty of his place to have opposed it by his prayers, and to have interceded with his majesty to make known the dangers, the ill consequences that might follow. And if this prevailed not, should he have ended there? No; he should then have addressed himself to your lordships, your lordships sitting in council, and there have made it known, there have desired *your* aids. Nor, if in this he sped not, should he have rested without entering before you a protestation for himself, that he was not consenting. This was the duty of his place; this has been the practice of his elders; and this, being here neglected, leaves him without excuse. I have heard it further indeed spoken as excuse, that the ships are now come home; but give me leave, I beseech your lordships, in prevention to object to that (though I confess I know it not), that it lessens not his fault. It may commend the French, but cannot excuse him, whose error was in sending them away. When the French once had them, they might have kept them still, for aught I know, notwithstanding all his greatness. Certainly we do know only too well that they executed to perfection their work against Rochelle and religion.

‘The next your lordships had was his extortion, his unjust exaction of 10,000*l.* from the East India merchants without right or colour. And this you heard exquisitely expressed by the gentleman who had that part in charge, who mathematically observed the reason upon which it proceeded and was enforced. He revealed to you that secret of the seas in taking of the wind, which at the Cape they have at known and certain times; and many of your lordships would probably observe that the skill so timely used was gotten recently in the late voyage, *to which you know who sent him.*’<sup>10</sup>

At this sarcastic reference to the late gross attack on Glanville’s liberty, Eliot again heard murmurs from those around him, as if he intended to refer to the king; and one of the lords themselves turned to the peer next him with a remark hardly audible (that ‘it was the king sent Glanville’), to which he immediately replied :

<sup>10</sup> The allusion is to the subjoined passage in Glanville’s speech on the 6th article. Glanville had been sent, upon compulsory appointment, by way of punishment and to prevent his possible election to parliament, as secretary to the fleet in the Cadiz expedition. ‘Well knowing how great a hindrance it would be if the ships should be stayed, in regard that if they did not sail at that time, then by reason of the course of the winds called the monsoons, which were constant six months easterly and six months westerly every year, in the parts of Africa about the Cape of Bona Speranza, of which winds,’ &c. &c. *Parl. Hist.* vii. 78.

‘Because I hear a mention of the king’s sacred name in this, I must crave your lordships’ leave thus far to digress as here to make this protestation, which I had in charge from my masters the knights, citizens, and burgesses of the commons house of parliament, that in nothing we intend to reflect the least ill odour on his majesty or his most blessed father of happy memory, but with all honour of their names we do admire them, and only strive to vindicate their fames from such as would eclipse them.

‘After this, my lords, followed the corruption, the sordid bribery of him whom I now charge, in the sale of honours, in the sale of offices. That which was the ancient crown of virtue is now made merchantable, and justice itself is a prey to this man. All which particulars, as you have heard them opened and enforced with their several circumstances, reasons, and proofs, to show what in themselves they are, what in their consequences, and what they may now merit, I presume I need not to dilate, but, your lordships knowing all so well, leave them to your judgment.’

His next subject was the wicked prodigality of Buckingham’s expenditure. He placed beside it the wants of the kingdom, connected with it some popular suspicions, and gave startling effect to his daring invective. These passages were the subject of inquiry afterwards; but it did not seem that in performing a necessary part of his duty by adverting to one of the charges in the impeachment, Eliot had spoken with unwarrantable excess. The act charged, irrespective of any motive, was at the least, as the commons described it, one of transcendent presumption and dangerous consequence. There was no question that it had been committed, and as little that it provoked suspicion, not only at the time but very widely since;<sup>11</sup> and whether or not Eliot believed it to involve a darker crime, it may be allowed to one who has no such belief to say that he was quite justified in applying to it the language he borrows from Cicero.

‘And from hence I am raised to observe a wonder, a wonder both in policy and nature. For not less is it that this man, so notorious in ill, so dangerous in the state, so disproportionable both to the time and government, has been able to subsist and keep a being. But as I confess it for

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<sup>11</sup> Mr. Brodie (*Brit. Emp.* ii. 123-130) has collected with much care all the facts and authorities; and though I cannot agree in his conclusions, the case presented is startling. To find the suspicion even momentarily entertained by such men as Selden, Glanville, Wandesforde, and Eliot, is also in itself disquieting. I have referred (*ante*, p. 504) to Lord Bristol’s remark respecting it. See also *ante*, p. 111.



a wonder, so must there also have been art to help and underprop it, or it could not have continued so long. To that end, therefore, your lordships will have noted that he made a party. He made a party in the court, a party in the country, a party in almost all the places of government, both foreign and at home. He raised, and preferred to honours and commands, those of his own alliance, the creatures of his kindred and affection, how mean soever; whilst others, though most deserving, nay all that were not in this compass, he crossed and opposed. And having thus drawn to himself a power of parties, a power of honours, a power of offices, and in effect the powers of the whole kingdom whether for peace or war; and having used these to strengthen and add to his alliances; he then, for his further aggrandisement, set upon the revenues of the crown, interrupting, exhausting, and consuming that fountain of supply. He broke those nerves and sinews of the land, the stores and treasures of the king. That which is the blood and spirit of the kingdom, he wasted and consumed. Not only to satisfy himself, his own desires and avarice, but to satiate others with pride and luxury, he emptied those veins in which the kingdom's blood should run, and by diversion of its proper course cast the body of the land into a deep consumption. This your lordships saw in the opening of that point concerning the revenues. What vast treasures he has gotten, what infinite sums of money, and what a mass of lands! If your lordships please to calculate, you will find it all amounting to little less than the whole of the subsidies which the king has had within that time. A lamentable example of the subjects' bounties so to be employed! But is this all? No: your lordships may not think it. These are but collections of a short view, used only as an epitome for the rest. There needs no search for it. It is too visible. His profuse expenses, his superfluous feasts, his magnificent buildings, his riots, his excesses, what are they but the visible evidences of an express exhausting of the state, a chronicle of the immensity of his waste of the revenues of the crown! No wonder, then, our king is now in want, this man abounding so. And as long as he abounds, the king must still be wanting.

'But having thus prevailed in wealth and honours, he rests not there. Ambition has no bounds, but, like a violent flame, breaks still beyond; snatches at all, assumes new boldness, gives itself more scope. Not satisfied with the injuring of justice, with the wrongs of honour, with the prejudice of religion, with the abuse of state, with the misappropriation of revenues, his attempts go higher, even to the person of his sovereign. You have before you his making practice on that, in such a manner and with such effect as I fear to speak it, nay I doubt and hesitate to think it. In which respect I shall leave it, as Cicero did the like, *ne graviorebus utar verbis quam natura fert, aut levioribus quam causa postulat*. The examination with your lordships will show you what it is. I need not name it.'

The final reference to Buckingham had extraordinary vividness, and a letter-writer describes the 'emotion' excited by it. All these concluding passages indeed are sustained at the highest level; and very striking is the effect produced by the final quiet

reference to himself, with its sober contrast to all the implacable bitterness and supreme disdain.

‘In all these now your lordships have the idea of the man; what in himself he is, and what in his affections. You have seen his power, and *some I fear have felt it*. You have known his practice, you have heard the effects. It rests then to be considered, being such, what he is in relation to the king, what in relation to the state, and how compatible or incompatible with either. What he is to the king, you have heard; a canker in his treasures, and one that restlessly consumes and will devour him. What he is to the state, you have seen; a moth to goodness, not only persisting in all ill ways, but preventing better. His affections are apparent not to be the best, and his actions prove it. What hopes or expectation then he gives, I leave it to your lordships. I will now only see, by comparison with others, where I may find him paralleled or likened; and, so considering what may now become him, from thence render your lordships to a short conclusion.

‘Of all the precedents I can find, none so near resembles him as doth Sejanus, and him Tacitus describes thus: that he was *audax; sui obtegens, in alios criminator; juxta adulatio et superbia*. If your lordships please to measure him by this, pray see in what they vary. He is bold. We had that experience lately: and of such a boldness, I dare be bold to say, as is seldom heard of. He is secret in his purposes, and more; *that we have showed already*. Is he a slanderer? is he an accuser? I wish this parliament had not felt it, nor that which was before. And for his pride and flattery, what man can judge the greater? Thus far, I think, the parallel holds. But now, I beseech your lordships, look a little further. Of Sejanus it is likewise noted, amongst his policies, amongst his arts, that to support himself he did *clientes suos honoribus aut provinciis ornare*. He preferred his friends, he preferred his clients, to second, to assist him. And does not this man do the like? Is it not, and in the same terms, a special cause in our complaint now? Does not this kingdom, does not Scotland, does not Ireland speak it? I will observe but one thing more, and end. It is a note upon the pride of Sejanus, upon his high ambition, which your lordships will find set down by Tacitus. His solecisms, his neglect of counsels, his veneries, his venefices;<sup>12</sup> these I will not mention here: only that particular of his pride, which thus I find. In his public passages and relations he would so mix his business with the prince's, seeming to confound their actions, that he was often styled *laborum imperatoris socius*. And does not this man do the like? Is it not in his whole practice? How often, how lately have we heard it! Did he not, in this same place, in this very parliament, under colour of an explanation for the king, before the committees of both houses, do the same? Have not your lordships heard him also ever mixing and confusing the king and the state, not leaving a distinction between them? It is too, too manifest.

‘My lords, I have done. YOU SEE THE MAN! What have been his

<sup>12</sup> Such expressions could not of course have been directly applied to Buckingham. They are insinuated only through Sejanus. In the report in the *Journals* this point is missed, and the effect wholly lost.

actions, whom he is like, you know. I leave him to your judgments. This only is conceived by us, the knights, citizens, and burgesses of the commons house of parliament, that by him came all our evils, in him we find the causes, and on him must be the remedies. To this end we are now addressed to your lordships in confidence of your justice, to which some late examples<sup>13</sup> and your wisdoms invite us. We cannot doubt your lordships. The greatness, the power, the practice of the whole world, we know to be all inferior to your greater judgments; and from thence we take assurance. To that, therefore, we now refer him; there to be examined, there to be tried; and in due time from thence we shall expect such judgment as his cause merits.

'And now, my lords, I will conclude with a particular censure given on the bishop of Ely in the time of Richard I. That prelate had the king's treasures at his command, and had luxuriously abused them. His obscure kindred were married to earls, barons, and others of great rank and place. No man's business could be done without his help. He would not suffer the king's council to advise in the highest affairs of state. He gave *ignotis personis et obscuris* the custody of castles and great trusts. He ascended to such a height of insolence and pride that he ceased to be fit for characters of mercy. And therefore, says the record of which I now hold the original, "*per totam insulam publice proclametur, PEREAT "QUI PERDERE CUNCTA FESCINAT; OPPRIMATUR NE OMNES OPPRIMAT."*

'And now, my lords, I am to read unto your lordships the conclusion of this charge, and so to present it to you' (which accordingly he did). 'And having discharged this trust, my lords, imposed upon me, unworthy of that honour; and having therein, in the imperfections which naturally I suffer, made myself too open to your lordships' censure; I must now crave your pardons and become a petitioner for myself, that those weaknesses which have appeared in my delivery may, through your noble favours, find excuse. For which, as that gentleman my colleague who first began made his apology by colour of command, mine, my lords, is likewise spoken in my obedience. I was commanded, and I have obeyed. Wherein let me desire your lordships, that, notwithstanding the errors of which I may be guilty, nothing may reflect upon my masters; or be from thence admitted into your lordships' judgments to diminish or impeach the reputation of their wisdoms. These, I hope, shall give your lordships and the world such ample testimonies as may approve them still to be deserving in the ancient merits of their fathers. This for them I crave; and for myself I humbly submit in confidence of your favours.'<sup>14</sup>

Upon Eliot resuming his seat, the conference broke up; and on the following Saturday and Monday, the 13th and 15th of May, eight peers reported the speeches to the upper house, and the articles of impeachment were laid on the table of the lords. Startling events had occurred in the interval.

<sup>13</sup> The allusion is to the impeachments of Bacon and Middlesex.

<sup>14</sup> From Eliot's original ms at Port Eliot, indorsed by him: 'Keep this safe where it may not be lost.'

VII. *Eliot sent to the Tower.* *ÆT.* 34.

Eliot's speech was delivered on Wednesday, and on Thursday morning Sir Nathaniel Rich went to the upper house with a message for the duke's commitment. Upon this the duke addressed the lords. Now that the commons had shot their bolt, he rejoiced to be delivered out of their hands into those of their lordships. He protested his innocency, but he would not there cast dirt at those who had taken pains to make him so foul. He desired only that his trial might be hastened. He spoke, says one who was present, with the confidence inspired by what already, earlier that morning, had transpired in the house of lords.

The king had been there 'very early in the morning,' and had spoken to the peers from the throne in a few sentences written for him by Laud. By the speech of Eliot he had been extraordinarily moved. When the reference to Sejanus was reported to him, 'implicitly,' he exclaimed, 'he must intend me 'for Tiberius'!<sup>1</sup> and hurried to the lords. As he spoke, Buckingham stood by his side. Imputations had been cast upon his honour, he said, and he appealed to them for vindication. He had thought fit to give order for the punishment of some insolent speeches spoken to them yesterday.<sup>2</sup> It behoved themselves to preserve the honour of the nobility against the vile and malicious calumnies of members of the house of commons. As to the duke's innocency of all the charges brought against him, he could himself be a witness to clear him in every one. —The indecency of such an attempt to override an accusation preferred by all the members of one of the houses of the legislature, met with its rebuke in a sullen silence. No manifestation was made while he spoke or when he ceased. He returned in his barge to Whitehall, while Digges and Eliot were on their way to the Tower.

They were sitting that morning in their places in the house,

<sup>1</sup> Harleian mss. 383. Mede to Stuteville, 11th May 1626.

<sup>2</sup> Here the king unconsciously betrayed that not 'speeches' were in his mind, but one speech only, that of Eliot spoken 'yesterday.' See *Parl. Hist.* vii. 39.

when, as upon some ordinary business, they were called to the door; a warrant was shown them by two king's messengers; and they were taken to the Tower. So suddenly had it been done, that not until Rich's return after delivering the message for the duke's commitment was the fact made known. The house at once broke out into violent agitation. Members before now had been made accountable and had been punished for words spoken in parliament; but never while parliament still sat; never until a dissolution had intervened, and the privilege of the house no longer invested them. The first of the undisguised outrages which brought their author to the scaffold was *this*. 'Mr. Pym stood up,' says Mede in a letter to Stuteville, 'and began to insinuate an exhortation to patience and wisdom.' But there was no patience then for even so honoured and experienced a counsellor. 'Rise! rise! rise!' was the shout on all sides, and the only concession he could obtain. They would give the enemy no advantage by ill-considered anger; and postponing all the business before them, they rose until the following day. All that afternoon, says the letter just quoted,<sup>3</sup> they formed into groups in Westminster-hall, 'sadly communicating their minds to one another.'

The following morning, Friday the 12th, they reassembled; but upon the speaker offering to proceed to the business of the day, 'Sit down! sit down!' was the almost universal cry; 'no business till we are righted in our liberties!'

'The house was very full,' says the Port Eliot manuscript, 'and sat very silent long. Not one man spoke. At last a lawyer, one Mr. Wyell,' began to express the occasion of our silence. The loss of our friends was grievous: but more grievous that the members of a body should be rent and torn from the body to which they belonged. It was as a mother who should have her child taken violently from her. He compared that to our cause, and that it was against privileges and the great charter. Then many spoke: one after another: that we could do no business before these men were out of prison in our house. So what will come of us we know not.'

Amid that uncertainty, the new vice-chamberlain presented himself. Sir Dudley Carleton, lately returned from his embassies at Venice and the Hague, had come down to the house

<sup>3</sup> Harl. mss. 383. 12th May 1626.

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<sup>4</sup> Evidently Wilde, the member for Droitwich.

expressly to set matters straight ; and, hoping they would follow Mr. Pym's advice yesterday, and do nothing tumultuously, at last he prevailed upon them to hear him. It turned out, however, that he was not at that time prepared with much to say as to the provocation given for the commitments, except that much offence had been taken by the Duke of Buckingham, and in his opinion justly, at Sir John Eliot's calling him 'this man,' 'the man,' and so forth, which appeared to Sir Dudley in a high degree contemptuous and unbecoming. But upon the conduct generally of that house to their sovereign, the vice-chamberlain delivered his mind very frankly ; disclosed more of the secrets of the court than he had probably been instructed to reveal ; and not a little astonished the English commons.

'I beseech you, gentlemen, move not his majesty with trenching upon his prerogatives, lest you bring him out of love with parliaments. In his messages he hath told you, that if there were not correspondency between him and you, he should be enforced to use *new counsels*. Now, I pray you to consider what these new counsels are, and may be. I fear to declare those that I conceive. In all christian kingdoms you know that parliaments were in use anciently, until the monarchs began to know their own strength ; and, seeing the turbulent spirit of their parliaments, at length they, by little and little, began to stand upon their prerogatives, and at last overthrew the parliaments throughout Christendom, except here only with us. And indeed you would count it a great misery, if you knew the subjects in foreign countries as well as myself ; to see them look not like our nation, with store of flesh on their backs, but like so many ghosts and not men, being nothing but skin and bones with some thin cover to their nakedness, and wearing only wooden shoes on their feet ; so that they cannot eat meat, or wear good clothes, but they must pay and be taxed unto the king for it. This is a misery beyond expression, and that which yet we are free from !'

The travelled and experienced Sir Dudley had scarcely thus delivered himself, when his ears were saluted with loud and unaccustomed shouts of 'To the bar ! to the bar !' and he very narrowly escaped the necessity of apologising at the bar on his knees. But the revelation he had made was long remembered : and when men had ceased to laugh at the skin and bones, and the wooden shoes, they called to mind that England was indeed the only one of three great kingdoms not yet yielded to the sword ; that, as Philips nobly had reminded them in the Oxford parliament, England was the last monarchy retaining her liberties ; and that it behoved them, for better reasons than any

under the cap of the vice-chamberlain, to take title, and warning by the examples of France and Spain.

One of Eliot's notes has preserved for us what followed at this sitting. The house had turned itself into grand committee, and Henry Rolle was in the chair. Sir John Savile, who had shown strong tendencies to the court since Sir Thomas Wentworth took up with the opposition,<sup>5</sup> endeavoured to quiet the excitement by describing his own commitment for three weeks in Elizabeth's time, the house still sitting, and his own not informed of the cause; to which Sir Thomas Hobby replied that he also sat in that parliament, and that Sir John's absence, not having been given as a member, was wholly different from the present. The result was, that on the motion of Noye, it was resolved not only that no business should be done till their members were discharged, but that there should be remonstrance made to the king on that breach of privilege, and 'to show him 'whom we conceive to be the cause of this.'<sup>6</sup>

Sir Dudley Digges was liberated next day. He had been included in the arrest because of a report of his having said, alluding to the imputation of the thirteenth article as to the drink and plaster given by the duke to the king's father, 'that he did 'forbear to speak further in regard to the king's honour.' But the words were denied by Digges himself; and though the duke still tried to fix them upon him, and rose nine times at the one morning's sitting to endeavour to convince his brother peers, Sir Dudley's own denial was confirmed by thirty-six lords present at the conference, and his arrest was of necessity remitted. Only one, Lord Holland, could be found to say that he had heard anything like the words; and he was too notoriously the duke's creature to obtain any show of credence. The truth became indeed plain, that Buckingham had seized on one of

<sup>5</sup> I may take the opportunity of saying here that Eliot's interest in the Yorkshire elections had continued in this as in the last parliament, and that he had not formerly been more ready against Wentworth than now against Savile to oppose all tampering with the rights of electors. The result was warm resentment on the part of Savile, in the course of which he 'made remark on Sir John Eliot for which he was obliged to give satisfaction in his place' (*Journals*, i. 862).

<sup>6</sup> *Eliot's Notes*, n. 5, fol. 18 a, b.

Digges's expressions employed in a quite different sense, in the belief that it might be used to make Eliot responsible for darker and more criminal imputations than were intended by the allusion to Sejanus.

Against Eliot the blow was really aimed, and upon him it was intended to have fallen heavily. It was the beginning of the cruel persecutions he had foreseen when he decided finally on his present course; and which were only exhausted by the death of their victim. The character of the imprisonment to which he was immediately consigned may be judged from the circumstance that the cell into which he was thrown in the Tower was that which in little more than two years received the man who murdered Buckingham.<sup>7</sup> It will shortly be seen also that the design was, if possible, to have made him responsible for offences of wider scope than any contained in his speech at the conference.

On Tuesday the 16th of May, Sir Dudley Digges resumed his seat; and upon the house, at his entrance, turning themselves 'into a grand committee concerning Sir John Eliot,' the chancellor of the exchequer rose and earnestly counselled moderation in their proceedings. That the king was very careful of entering upon their privileges he had given good testimony by his proceedings with the member who then reappeared among them; but the business of Sir John Eliot was of another nature. His way of discharging the bidding of the house had indeed been wholly displeasing to his majesty; but apart from this, the king charged him with things extrajudicial. It would be well therefore that they should go on with their business, and leave a case of that kind to be dealt with by his majesty. Being asked what he meant by 'extrajudicial,' Weston replied that it was the king's word, and that without the king's leave he could not explain it. We will adjourn, then, until you have leave, was the rejoinder; because this is the only business we can possibly go on with. And, after a vote clearing by name their six managers from having in any particular exceeded their commission, the house adjourned accordingly.

<sup>7</sup> Letter in the Harleian mss. 390.



Next day, the 17th, the explanation was given, and one of Eliot's notes describes what passed. Sir Richard Weston began by stating that he had leave to explain the word 'extrajudicial,' which was that his majesty had committed Sir John Eliot for high crimes against his majesty done out of that house. Perfect silence followed this remark by the chancellor. No one spoke; there seemed an indisposition to speak; whereupon Sir Dudley Carleton offered a suggestion that as no more question was made of Sir John Eliot by his majesty for anything done in quality of a member, probably their best course might be to clear him by a vote in all he had done by their bidding at the conference, and for the rest to petition the king for his release. At this the silence suddenly broke. There was an indignant shout of dissent; and the vice-chamberlain, whom there had been scant disposition to listen to ever since the wooden-shoes sally, had now to explain for himself. He protested he meant no offence. He attempted, by examples from Elizabeth's reign of members taken *sedente curia*, to justify what had now been done; and, against a very general desire strongly expressed by the house, which appeared to think him not entitled to an answer, Sir Thomas Hobby persisted in replying to him. He recollected the cases referred to, and not one of the persons named had been committed for any offence in parliament; though doubtless a man might be taken out of that house *sedente parlamento*, as Doctor Parry was, to be hanged, drawn, and quartered. Some laughter following this mention of Parry's case, and no one rising to prolong the debate, the vice-chamberlain hoped the house would at least suspend further resolution till his majesty had opportunity to prove the accusation made. It was not what had happened at the conference, but 'something else which might be discovered 'by the sight of Sir John Eliot's papers, or some other means.' Disregarding this intimation, it was ordered that the sub-committee then drawing-up the remonstrance should 'take therein 'what concerns Sir John Eliot and add it to the rest;' and once more the resolution was directed to be read from the chair, that they would pass to no other business until righted in their liberties.<sup>8</sup>

<sup>8</sup> *Eliot's Notes*, n. 5, fol. 19 b, 20 a.

That was on the 17th of May. Meanwhile time had been employed in attempted dealings with the prisoner himself in the Tower; but such denials or explanations as Digges had made, supposing such to be obtainable, were not sought from Eliot. Far beyond the narrow compass within which the questioning of Digges had lain were the matters on which it had been resolved to bring Eliot to the question. The hope desperately seized at was to trump-up some charge of treason. Besides his private papers, at which the vice-chamberlain had hinted, all things said by him since parliament met, and especially the famous speech of the two precedents, were to be revived and raked-into for matter against him; and on the 18th he was examined, upon queries drawn-up by the lord-keeper, in the Tower. The draft in Coventry's handwriting of 'Lord-keeper's' questions to be propounded to Sir John Eliot remains in the state-paper office under that date, side by side with the result of the examination that followed on the same day 'before Sir Randall Crewe, knight, lord chief-justice for pleas to be holden before his majesty, and Sir Robert Heath, knight, his majesty's attorney-general;' the latter bearing the signatures of Crewe, Heath, and Eliot.<sup>9</sup>

He was asked whether he had at any time held conference with anyone, and when, and with whom, upon the point of how far any kings have heretofore been compelled to give way to the will of their people? He replied that he never with any had held such conference, either as to that or of anything touching the subject, or any circumstantial thing tending to that end.

He was asked whether he had held conference with any, and when, and with whom, touching the depriving of kings either of this realm or of any other kingdom; or whether he had seen, or been shown, and by whom, any precedent of any former time in that kind, or tending to any such purpose? He replied that he had never held conference to any such purpose with anyone, nor had ever seen or been shown any such precedent otherwise than had occurred to him in the general reading of history; that he had never of purpose read any such thing, nor had ever been shown any precedent to any end tending to a discourse on that subject; and that whensoever he had lighted upon any such in his reading, he had detested it as being contrary both to human and divine laws.

<sup>9</sup> S. P. O. Dom. Cor. xxvii. 17 and 18.

He was asked who delivered to him the precedent of the commission in the time of Richard the second which was gotten by constraint from that king? He answered that he had had notes of a commission of that time, *but not gotten by constraint*, as he considered; he must have had them, as he thought, a dozen years at least, and could not then call to mind of whom or by what means he had them, or whether he had copied the original record in his search for parliament business; but though he had not seen that commission, nor any copy of it, certainly for these ten years, he had seen the book or treatise which passes from hand to hand under the name of Sir Walter Raleigh, by way of *A Dialogue between a Councillor and a Justice of Peace*,<sup>10</sup> and in that treatise there was some passage of the commission, out of which, among other things, he had of late taken some notes for his memory upon the reading of it; in other ways however than by those former notes, and these later notes taken in this manner, he had not had any occasion to remember or be put in mind of that commission, nor had had the precedent of the commission from any person whatsoever otherwise than as he had before expressed: the certainty whereof he could not more precisely set down, having had the first notes thereof so many years ago.

He was further and again asked whether the same person who showed him that commission when he first saw it, or any other person, and who, did deliver him any precedent or treatise touching the deposing of kings? He replied that no person, as before he stated, had shown him such commission; and that no person ever delivered to him, or showed to him, or read to him, any such precedent or treatise.

He was asked what conference or speech he had had with the deputies of Rochelle, or any of them, and when and whether he persuaded or pressed them to do anything which they refused or were unwilling to do, and what the same was? He replied that he had never had conference or speech with the deputies of Rochelle; with any from them or with any of them; nor did he know that he had ever seen the face of any of those agents.

He was asked whether he were not in Gray's-inn on the Sunday, or near thereabouts, before he spoke in parliament of the commission before mentioned; and with what company he then and there was, and what conference passed between them? He replied that he was not, nor had been in any part of Gray's-inn these seven years.

<sup>10</sup> The treatise is well known, and there seems reason to believe that Raleigh was really its author. A manuscript copy, transcribed in 58 folios, is among the papers at Port Eliot, with passages marked by Sir John.

He was asked what conference or correspondence, by letters, messages, or otherwise, directly or indirectly, he had had with any foreign ambassador or agent? He replied that he had not had any conference or correspondence, by letters, messages, or otherwise, directly or indirectly; and he was well assured that he had not written any letter to any foreign ambassador or agent whatsoever, nor had received any letter from any; and the last message he had from any foreign ambassador or agent was about three years ago, when he was a prisoner in the Marshalsea about prize-goods taken in the west, and Philip Barnardo came to him about it.

The object of the questions is manifest; and probably no one more than the honest chief-justice rejoiced at the simplicity yet sufficiency of answers which left everything precisely where it was. Some hope there had evidently been to involve one of the Gray's-inn lawyers in complicity with Eliot; and some light is thrown upon the question as to French ambassadors and agents by that declaration of Carleton's to the commons already quoted, upon his final and strenuous opposition in the matter of the St. Peter of Newhaven, 'doubting the ambassadors of France 'had practised to incense this house to the French's benefit and 'the loss of the English.' But all other clues to the track on which the lord-keeper had drawn the attorney-general, in a quest from which Eliot so quietly turned them all aside, it would now be vain to seek. Suffice it that nothing had been gained from him by this unprovoked and lawless invasion of his liberty; not even an admission of the insufficiency of his precedent of Richard the second, or of the alleged constraint practised on that king.

There was nothing for it, then, under the pressure from the commons, but to sign the warrant for Eliot's liberation. Without a dissolution, Charles had no alternative; and before such violence was committed, it was important that another effort should be made for supply, and that time should be given for some answer to the charges against Buckingham, now committed to the hands of Laud and Sir Nicholas Hyde. Not only had the commons refused to proceed with anything until Eliot should be released, but they had already voted a remonstrance against such violation of their privilege. On the 18th of May the brave Bevil Grenville (who died afterwards fighting for the king at Lansdowne), writing to his 'best friend the lady Grace' of the chris

tening they were shortly to expect, told her of his 'hope that ' Sir John Eliot shall be there too if it be a boy, though the ' king hath lately sent him to the Tower for some words spoken ' in parliament, but we are all resolved to have him out again, ' or will proceed in no business.'<sup>11</sup> That was the very day when Eliot was under question in the Tower, and had broken-down the resolution of the king and duke by his own more indomitable resolution. On the 20th May Grenville wrote: 'We have ' Sir John Eliot at liberty again. The house was never quiet ' till the king released him.' On the 19th the order of release had been signed.

On Saturday the 20th of May, when, amid congratulations that partook more of sternness and solemnity than of gladness or joy, the commons were to see Eliot reappear among them, the vice-chamberlain, by express command of the king, was there to make his last appearance before his removal to a place more congenial with his foreign experiences. The scene that ensued was full of character and interest, and from the notes of Eliot is now presented more vividly than heretofore.<sup>12</sup>

Upon the speaker taking his chair, Mr. Glanville said he had it from Sir John Eliot, who waited outside, to desire their pleasure whether he was to come and again sit, having been accused of high and extrajudicial crimes. To this there was an eager ' yea' shouted from all sides: whereupon he entered, and having taken his place, rose directly afterwards, and requested to hear what was charged against him, that he might show by his answer whether he were indeed worthy to sit there. To this Sir Dudley Carleton replied. He was not there to charge him, but to give him occasion to discharge himself. All the other seven members engaged in the late business had used to the duke ' respective' terms, but the manner of Sir John Eliot's speech had been 'too tart and harsh' to his grace's person. It was not within his duty to have characterised the duke's mind by the 'strange beast' stellionatus. It was contrary to the mind of the house to have professed ignorance of the return of the ships out of France. 'They say they are come, but I know it not.' It

<sup>11</sup> Ms letter in my possession.

<sup>12</sup> *Eliot's Notes*, n. 6, fols. 29 a, b, and 30 a.

was a great indignity to persons of honour, and held base in all languages, to say 'this man' and 'that man' of such a person as the duke. The historical comparisons to Sejanus and the bishop of Ely were also unwarrantable. And finally, which was the main offence, he cut-off the words of the last article in the accusation against the duke with an expression from Cicero, as if something were in the charge covered which might be *discovered*. In brief, that was what Sir Dudley Carleton, on behalf of his majesty, had to say. Eliot then spoke.

Yesterday morning, at half-past eleven, he first heard of the intention to release him, and now he was first made acquainted with his offence. He thanked the vice-chamberlain for his plain dealing, in at length affording him occasion to clear himself. Was it now the pleasure of the house that he should answer generally, or, for their clearer satisfaction, make a particular answer upon each particular charge? The latter by all means, was the reply; to which end each charge successively should be repeated by Mr. Vice-chamberlain, and if anyone else had additions to make, let the occasion now be taken. But no one save Sir Dudley spoke; and as he merely again went over, in separate parts, his original accusation, it will suffice to give Eliot's answers.

For the *stellionatus*, then. That as to the duke's honours and offices, he styled them ambition; but as to his deceit and fraud, because no word could reach it, he borrowed that of *stellionatus* from the civilians, who in the body of their law have a whole chapter for it. If Mr. Vice-chamberlain consulted those authorities, he would probably be able to satisfy himself that it was only ignorance made the strangeness of that word.<sup>13</sup>

For his saying he knew it not, upon the return of the ships, he confessed that he had said he did not know, though he heard, they were returned. It was indeed true he heard it in the house, but neither then knew it as true of any, nor yet knows it as true of the flat-bottom boats, and divers others of which the like was said.

For the words 'the man.' He had not spoken on that occasion by the book, but suddenly. He had frequently used the duke's titles, but sometimes for brevity he might have shortened them. He was surprised to hear that called strange which was used in all languages: *ipse, ille*, and the like, being given both to Alexander and

<sup>13</sup> I need hardly say that the word is from *stellio*, a spotted lizard, the fraudulent man being comparable to that animal alone in versatility and craft; and that the term *stellionate* in the Roman law comprehends all kinds of knavery not designated by any more special name.

Cæsar, 'which were not less than he.' And therefore he thought it not a dishonour unto him so to be called a man, 'whom yet he 'thinketh not to be a god.'

For Sejanus and the bishop of Ely. He claimed the right to make such parallels. In the sense wherein the former had been misapplied, he used it not. If so applied, he could not hinder the construction, but was not to be forced beyond his meaning. He made no parallel of times, or other persons but the duke.

For the words of Cicero upon the potion and the plaster. 'He 'relateth the words, and, as he thinketh, the syllables, which he insists upon and avows.' Upon that he had no more to say.

For the manner of his speech. And here, as of a matter affecting himself more exclusively, he spoke with a modest and manly frankness. It was, he said, an old charge against him, that the manner of his speech was with too much vigour and strength. He would not attempt to justify his defects in nature; but he hoped they should not be imputed as a crime. He yet on that occasion did, and does in that house, desire to avoid passion, being only affected to discharge his duty to the house with the best life he could. 'Especially in this particular, because the duke had intimated to the 'lords that many of his followers were disheartened.'

For the exceeding his commission. Did anyone of the commons, from which he received it, say that he had done so? The negative upon the instant was so loud and general, that the few words with which he resumed his seat, to the effect that when any particular should be mentioned, he would give answer to it, were scarcely audible. The next moment he had withdrawn, 'the house refusing to 'order his withdrawal.' And not a single dissentient ventured to declare himself against the vote which was immediately taken, to clear Eliot from every imputation, and to declare that he had in no respect exceeded the commission intrusted to him.

So closed this affair on the king's part, as ignominiously ended as it was ill begun; a clumsy retreat from a position which there was neither the boldness to attempt to maintain, nor the good sense handsomely to abandon. Even the people about the court could to some extent moralise the matter. They saw that the commons, apart from what they gained in it by Eliot's brave composure and sarcastic reassertion of everything he had been called to explain, had affirmed thereby the right to protect themselves from every questioning but their own, which more than anything else united and strengthened them in future parliaments; while the king had gained nothing by

it, and had lost the reputation of much. But beyond this the incident imparted no lesson. They believed, according to Heylin, who in this expresses the mortification of Laud, that his majesty had 'power in his hands to have righted himself according to the practice of queen Elizabeth and others of his majesty's royal predecessors in the times foregoing,' if he had been bold enough to follow their example instead of the example of his father.<sup>14</sup> On the other hand, Eliot's notes have shown us that the precedents most vaunted from Elizabeth were not only now relied upon, but replied upon by men who had sat in her parliaments; making no secret of her mistakes, but showing her prompt redress of them. That is what *her* example should have taught a court which unhappily was incapable of learning anything. She understood, if ever a ruler did, the art in which the highest government consists, of so conforming to the necessities around it as to make itself really the expression of the people governed, in their changing condition, their new and impatient wants, and their increasing intelligence. But Charles the first had no one to tell him this, nor would have listened if there had been. The people around him could only see that he was not as brave as the great queen, and lament that he should rather have taken example by his father; but it would have been well for him if he had done even this. He suffered for want of his father's cowardice quite as much as for want of Elizabeth's courage. His was one of those natures, not uncommon, which having no real self-reliance have yet a most intense self-reference, and are always yielding in some point to make-up for their obstinacy in some other; and it was his misery ever to resist, as he yielded, too late. After giving-up everything that had sustained the prerogative while it had yet any work in the world to do, he believed in it to the last as the only thing that could help him; and he was not the less ready to seize Pym and Hampden in 1641 because of his defeat and discomfiture in the attempt to seize Eliot in 1626.

<sup>14</sup> Heylin's *Life of Laud*, pp. 142-3. On the other hand, says Peter with much truth, the gains and gettings of the king from the line he took, might have been 'put in a seamstress's thimble and yet never fill it.'



VIII. *The Remonstrance and Dissolution.* ET. 34.

The remaining incidents of the session of what Whitelocke truly calls this 'great, warm, ruffling parliament,' were brief and stormy. The vice-chamberlain took the sudden refuge prepared for him in a more quiet place, and became Baron Carleton; 'having not so much as a place to be made lord of,' said Eliot when the matter was mentioned to the commons.<sup>1</sup> The commons, timely warned of 'new counsels,' and silently preparing their remonstrance against all such, held themselves at bay; Sir Nicholas Hyde, in close counsel with Laud, was hastening to complete Buckingham's answer to the articles of impeachment; and the king, bent upon a dissolution before the commons could either offer their remonstrance or make rejoinder to the duke's answer, was nevertheless clinging to a hope that the subsidy-bills might be got through. Buckingham knew better the determination on this point, and rumour even went of reproaches overheard in the palace. People said that the duke being in private attendance at the audience-chamber, the king was overheard to ask him impatiently what could he do more? He had engaged his honour to his uncle of Denmark, and other princes; he had in a manner lost the love of his subjects; and what would the duke have him do?<sup>2</sup> From which the gossips who reported the scene, and had probably invented it, fancied some that the dissolution of parliament, and others that the chancellorship of Cambridge, was in discussion between them.

Certain it is that on the chancellorship becoming now suddenly vacant by Lord Suffolk's death, the fact was hardly known when it was seized as an occasion for triumph over the com-

<sup>1</sup> *Eliot's Notes*, n. 5, 21 b. This was at the discussion of the remonstrance on the 3d of June, when Eliot moved the insertion in it of the substance of Carleton's speech about 'new counsels,' and also those passages about the duke's interference in the matter of supply at Westminster, and his being 'the cause of drawing us to Oxford and the breach there,' which are only now rendered intelligible to us by his own descriptions in his manuscript memoir.

<sup>2</sup> Harl. mss. May 1626. Mede to Stuteville.

mons and their impeachment; and Buckingham, under accusation of grave charges in both houses of parliament, was named actually by royal mandate to succeed to that honourable distinction. 'Lord Suffolk died,' wrote Rudyard to Nethersole, 'on Sunday morning, and on Monday Laud went to Cambridge to solicit the chancellorship for the duke.'<sup>3</sup> But Cambridge has always had some voice for herself; and this monstrous proposal, though accepted by her heads, was resisted by her younger members of convocation, who hastily put forward Lord Berkshire, Suffolk's son, and ran Buckingham so hard, that, notwithstanding royal influence used without scruple or shame, he was returned by a majority of only three. With characteristic servility Williams afterwards claimed credit from the duke for having, even now while under cloud of his disfavour, sent all his Cambridge chaplains to vote for him. The commons meanwhile had gravely addressed the king on the impropriety of the step he had taken, desiring him at least to interpose such delay as would allow a hearing to the impeachment; and upon his refusal they voted as an insult to the house the nomination as chancellor of Cambridge of a man under its impeachment. Eliot took active part in the proceedings of that day, and onward to the close; nor is it unworthy of remark that the member only second to him in actively preparing the remonstrance, wherein that and all other incidents of the session found bitter record, was the future lord-keeper Littleton.<sup>4</sup>

The intention at first was to have passed each separate clause of this formidable document as they might have passed a bill; which was the course really taken, fifteen years later, with the Grand Remonstrance. But so much time necessarily passed in enlarging its scope and making addition to the subjects em-

<sup>3</sup> S. P. O. 2d June 1626.

<sup>4</sup> *Eliot's Notes*, n. 5, fol. 20 a, and 22 a. From these we learn that two days after Eliot's 'explanations' in the house, Littleton presented, with a view to its being 'turned into a bill,' a rough draft of the remonstrance, which at this time was limited to a protest against the violation of their privilege, and an assertion of their rights in that particular. Gradually it assumed larger dimensions; all the grievances were imported into it; and again Littleton, on the 6th of June, reported them under successive heads for approval, and took the order of the house for 'a sub-committee to frame the declaration upon all these.'

braced in it, that there was only time at last to vote it as it stood; and the last words spoken in the discussion were those of Sir Robert Mansel. 'If there be any fear of danger to England,' he said, 'the duke and his agents are the cause. This I will make good.'

So said the old seaman; and so the commons had resolved, by means of ~~this~~ remonstrance, to say to the people of England. Their eagerness in pursuing and completing it during the last days of the session, was to avoid a repetition of the failure at Oxford which had then prevented such appeal. They had now publicly to confess that this parliament had failed like the last; that they were again hopeless of redress, for the present, by parliamentary ways; and that they must further interest and engage the people, out of doors, in the matters they had all at heart. Thus, therefore, under cover of remonstrating with the king, they would tell the people all that had passed since the accession; how the wish to supply his majesty in his first parliament had been received, the duke sowing dissension between them and the king, and ultimately procuring their dissolution; how, before the meeting of the second parliament, several of their active members had been disqualified from sitting, and Mr. Glanville, a lawyer depending on his practice, had been sent as secretary to the Cadiz fleet; how upon again assembling in parliament, they had voted ample supplies conditional on an amendment of grievances; how all grievances had been traced to one principal cause, which thereupon they had, in obedience to constitutional usage, made the subject of a parliamentary accusation; what practices had since been attempted to baffle that design; how two of their members had been taken out of the very house and imprisoned, and their papers seized; how they had fared as to Richard Montagu, who had been rewarded with promotion for abetting innovations in religion; and how one of the king's ministers had openly stated to them his majesty's intention, in the event of not being supplied, to betake himself to new ways. The close of this remarkable state-paper was most impressively worded. His majesty was warned against retaining the duke of Buckingham in his counsels; and was further told that if anyone should be found to do so ill an office to

the crown as to advise the levying of aids, taxes, or subsidies among the people contrary to the settled laws, the commons of England, esteeming all such as vipers, pests, and capital enemies to the commonwealth, there solemnly pledged themselves to bring those offenders to condign punishment.

Meanwhile, towards the middle of June, Buckingham's answers, the handiwork of Laud and Hyde, and a service for which the latter was soon to get the chief-justiceship, were handed to the lords by the duke himself; with brief appeal against the subtlety of the accusation and the greatness of his accusers. 'Who accused me?' he said. 'Common fame. Who gave me up to your lordships? The house of commons. The one is too subtle a body, if a body; the other too great for me to contest with. Yet I am confident neither the one nor the other shall be found my enemy when my cause shall come to be tried.' The last was a shrewd condition, for he knew that no trial was contemplated. Nor would it be other than waste of space to advert to answers never meant to be brought to proof. The duke was made to deny much, but unconsciously to admit much more. The most grave charges he defended by pleading privity of the king. He left unanswered, for secret reasons of state, the charge as to the loan of the ships. He admitted such charges as that of having possessed himself by purchase and otherwise of many offices, defending them on the ground of public necessities. And finally he claimed, as to all the charges of earliest date, the benefit of the general pardon of James and of the coronation pardon of his son.

The commons at once, upon report of the duke's answers, called for the parliament-roll containing the relation of the Spanish match, and announced that their rejoinder would be shortly forthcoming. That was on Saturday the 10th of June; and on the following Monday the king sent to them for enactment of the subsidy-bills without delay or condition, under threat of 'other resolutions.' To this their answer, after a debate of extraordinary warmth and duration, was an order requiring all the managers of the impeachment to 'bring their parts into the house in writing,' and further giving direction 'to send for Lord Digby to make proof.' By this they announced

their resolve, not only to press their own charges, but so to back-up the charges of Lord Bristol as to reinforce against the duke the case of that formidable antagonist.

The only record remaining of that Monday's debate is a note enclosed in one of Mede's letters to Stuteville. The question raised, it says, was only whether the bill of subsidies or the remonstrance should first be perfected; yet it declares the excitement to have been such that above two hundred members had taken part in it, when, after the first sitting of eight hours, 'from eight in the morning till past four afternoon,' the house rose to dine. 'By the clamour of voices they say the question 'could not be well discerned; but upon dividing, the number 'of those that would have the remonstrance first done was far 'greater than of those for the subsidies. At six o'clock again 'they returned, and sat till almost nine.' While the clamour was yet at its height, a more terrible storm had arisen outside. Such a fury of wind and rain and hail, of lightning and thunder, descended suddenly upon London as no living man till then had witnessed. In city churchyards the walls were rent away, tearing up the earth with them, and exposing the dead; while over the Thames there appeared strange circles and shapes of mist, that took supernatural meanings to the vulgar.<sup>5</sup> Nay, the very members of the house, as they hurried to the windows overlooking the river to view the spectacle, could not suppress superstitions of their own, as they saw 'the fierceness of the storm bend 'itself towards York-house, the then habitation of the Duke 'of Buckingham, beating against the stairs and wall thereof.' But with no worse mischief the thunder for that time passed away; honourable members recovered their composure; and when the majority separated at nine that summer night, they felt doubtless all the safer against future storms for having finally settled their remonstrance. They had accomplished it just in time.

<sup>5</sup> 'This occasioned the more discourse among the vulgar,' says *Rushworth* (i. 391) 'in that Doctor Lamb appeared then upon Thames, to 'whose art of conjuring they attributed what had happened.' Lamb was a notorious quack, who will make tragic reappearance shortly, and to whom Buckingham first went about his brother Purbeck's madness.

On the morning of Wednesday the 14th they were conscious of the imminent approach of a dissolution, and passed that day in preparing to present to the king their appeal to the people. There was one more debate. Should only a select number present it, or should the commons with the speaker at their head? The latter course, which had the eager advocacy of Eliot, was adopted; and a message was sent to the king craving audience and access from the whole house 'about serious business concerning all the commons of the land.' The king returned for answer that they should hear from him next morning; but they did not separate until after arrangements for delivering to such members as desired it copies of the completed remonstrance. They knew by this time that the upper house had made special intercession with the king for a short delay. 'Not a minute' was the answer.

Next day they were summoned to the lords to hear, in the king's presence, the commission for their dissolution read. The speaker had his instructions notwithstanding, and courage to give effect to them. Holding forth the remonstrance as he approached the throne, he stated to the king its purport, and craved compliance with its humble petition 'for the removal of that great person the Duke of Buckingham from access of your royal presence.' Without a word the dissolution followed; and as the commission was read, members were seen reading copies of the remonstrance.

In a few days it would be in the hands of the people. It would tell them why the king had again so rudely dismissed their representatives. They would learn from it all about the impeachment of the duke, the charges preferred against him, and how inquiry had been quashed by an abrupt dissolution. On the face of it there was an ill-look; uncontradicted it might have evil consequence; and might it not be well, some one seems to have whispered, to make a show of *not* screening the favourite? The suggestion was eagerly caught at, and some remarkable papers at Port Eliot reveal what followed.

On the morning of Saturday the 17th of June, the day but one after the dissolution, Eliot, Digges, Hobby, Lake, Erle, Wandesforde, Herbert, Whitby, Sherland, Pym, Glanville, and

Selden,<sup>6</sup> the secret committee of twelve to whom had been referred the final preparation of the proofs to sustain the several charges in the impeachment, received an urgent note from his majesty's attorney-general. Superscribed to 'his worthy friends,' the note thus ran :

'Gentlemen,—His majesty hath given me special commandment from his own mouth that I should signify his pleasure unto you that you should not go out of town till you have first been with with me, and given me some instructions in a business concerning his service. And that you may not misconstrue the demand, or conceive it to be other than it is, I let you know thus much, that I shall not detain you long. And for your better dispatch I wish you would agree to come all together unto me to my chamber in the Inner Temple on Monday morning by seven o'clock ; when I shall acquaint you with his majesty's further pleasure.

'17th June 1626.

Your very loving friend, Ro. HEATH.'

On the fly-leaf of which note by Mr. Attorney is the draft of another note in the handwriting of Eliot, dated on the day of the interview and describing what passed. On leaving Heath's chambers the rest had referred it to Eliot to word the decision which *he* doubtless had most earnestly counselled ; and it ran thus :

'Whereas this morning, when we attended you upon a commandment from his majesty signified by yourself, you gave us intimation of a purpose in his majesty to have a proceeding in the star-chamber against the Duke of Buckingham upon such matters as he stood lately charged with in parliament ; and to that end required to be instructed what proofs we had to maintain the several charges preferred from the commons to the lords against the said duke ; we, according to your advice, have considered thereof together, and entreat you to take knowledge that whatsoever was done by us in that business was done by the command of the house of commons, and by their directions some proofs were delivered to the lords with the charges ; but what other proofs the house would have used, according to the liberty reserved to themselves, either for the maintenance of their charge or upon their reply, we neither know nor can undertake to inform [you].'

Out of parliament we have no knowledge of the business we transacted there, and to any questions involving our conduct

<sup>6</sup> All the names are formally underwritten to Heath's letter ; and I was at some loss at first to understand why they had been so brought together, Sir Thomas Hobby and Sir Thomas Lake (the latter was member for Wells) having taken no part as managers or assistants. But the mystery was explained when I found them to be the select committee of twelve before referred to (p. 305), and named in the *Journals*, i. 847.

therein we have no answer to make to you. That in substance was Eliot's answer to the requirement of the king. It was the rule from which he never swerved, and for which, when the majority of those who with him now signed this letter had deserted it, he laid down freedom as well as life.

The king refused to take the answer, and ordered Eliot, on the following day, to be specially examined apart from the rest ; but ' Mr. Attorney's questions and Sir John Eliot's answers,' also preserved among the mss at Port Eliot, yielded no better satisfaction. He was pressed closely on the point of witnesses and his own belief in regard to proofs ; but he gave only the one reply, diversely shaped but in substance unvarying.

' I had therein no other interest or employment but as by the general command, and for the service of the house in the late dissolved parliament.' ' I retained, but for that service, no other use or memory.' ' I have some general notions, but not such particular knowledge as I can conceive to be any way useful unto you.' ' My first knowledge and intelligence happening in parliament, after discharge of mine own particular duties to the house, I remitted to that again wholly the memory and consideration thereof.'

Baffled thus in what would have given some show of authority to the artifice proposed, Charles had no alternative but to order an information in the star-chamber to be supported by proofs of his own. To the sham proceeding the duke put in a sham answer ; some witnesses were put through forms of examination about the potion and plaster in the old king's illness ; and then the thing dropped out of sight.

Not so the rage of the sovereign. Bristol was sent to the Tower ; Arundel was placed under restraint in his own house ; a counter-declaration was issued to the remonstrance ; the counter-declaration failing to find attention, the remonstrance was ordered to be burnt ; and the unhappy king proceeded to try the effect of those ' new counsels' which he and his servants had so often threatened.



## BOOK EIGHTH.

### GOVERNMENT BY PREROGATIVE.

1626-1627-8. ÆT. 34-36.

- i. Standing at bay. ii. Story of the Fortune of Hamburg. iii. Last acts in the Vice-Admiralty of Devon. iv. Conspirators and their Victim. v. General forced Loan. vi. The Expedition to Rochelle. vii. Eliot in the Gatehouse. viii. The Elections to the third Parliament.

#### I. *Standing at bay.* ÆT. 34.

THE wrath of the king and his minister at the course taken by Eliot in parliament now exceeded all limit, and his ruin, at whatever hazard, was resolved upon. The examination to which the chief-justice and the attorney-general had been directed to subject him, the attempt thereby to connect him with foreign agents and enemies of the government, and the drift of the questions put to him, could have no other design than to establish colourable grounds for depriving him of liberty, if not of life. Other measures had at the same time been taken against him. If upon political grounds his personal freedom could not be impeached, it might be struck at in another way; and for this a ready instrument presented itself in Sir James Bagg. Inflamed more than ever against Eliot by his exposures in the matter of the St. Peter of Newhaven, and having assistance from his two kinsmen connected with the lord-admiral, the Drakes of Ashe,<sup>1</sup> father and son, who had a family spleen against Eliot, this man had for some time been hunting-out in

<sup>1</sup> 'An ancient and genteel seat in the parish of Musbury, about a mile and three-quarters to the south of Axminster, in the eastern confines of Devon.' Prince's *Worthies*, p. 328. (ed. 1810.)

the west all who had been heard in any way to complain of Eliot's transactions in his office; and upon such complaints trumped-up or suggested, it was hoped that ground for proceeding might be found. The first step taken was to require Eliot to hand-in to the admiralty an account of his receipts and payments during the past three years, on the allegation that his returns had not been duly made. In any case it was determined to deprive him of his vice-admiralty; but the more important object was, if this should be found possible by means of suborned and false claims connected with its administration, to involve his private fortune and make a beggar of him.

With this view a series of proceedings began, unexampled in the personal animosity that directed and guided them, in the rank of those who abetted them, in the inveteracy with which they were pursued, and the artifices to which they descended. These were not practised by the suborned or subordinate agents only. The king and Buckingham were as eager as the Drakes and Bagg. Nor is it to be observed without regret that such a man as Edward Nicholas, now secretary to the duke at the admiralty,<sup>2</sup> who in yet more troubled times became principal secretary of state, and has heretofore borne a respectable name, should have lent himself to the scandalous persecution. But over all connected with him personally the sway of Buckingham was paramount; and against Eliot, who, though still administering an office that should have carried allegiance to the lord-admiral, had yet dared to strike at him in the sacred places of his power, all modes of retaliation were to be accounted justifiable. Nicholas played his part therefore to the admiration of Bagg himself, who became thereon his 'beloved friend.'

It seemed an unequal struggle. On the one side all the resources of the state, set in motion by hands the most unscrupulous; with paid informers, interested witnesses, iniquitous courts, and judges obsequious to any hint from authority. On the other

<sup>2</sup> Sixteen years later, secretary of state. I have given various notices of him in my *Grand Remonstrance* and *Arrest of the Five Members*. His devotion to the duke his master, and the eagerness of his desire to screen him, were strikingly shown throughout the business of the Rochelle ships.

side a man, though of heroic spirit, supported solely by the integrity of his public purpose and the justice of his private cause; but not more resolute to defend the rights of his countrymen than to maintain his own, and with a courage that rose only higher, and with more dauntless front, at the accumulation of forces against him. Perhaps the contest, after all, will be less unequal than it seemed.

A few days after Eliot's first speech in the house, Buckingham had both Nicholas and his proctor Richard Wyan to the council-table, to depose to matters concerning the vice-admiralty of Eliot, who had then handed-in the account demanded. It is difficult to understand the case exactly; but the questions raised on that occasion bore reference to claims made by Eliot to his half-share in certain captures, which Buckingham on the other hand alleged as taken by chase, being at the time flying from the king's fleet, and therefore royal prize not subject to the drawback of Eliot's claim. Mr. proctor Wyan was to institute proceedings accordingly in the admiralty-court, which would involve exceptions to those and other portions of Eliot's account, and was to give notice of his doing so on a particular day. But not receiving his instructions as expected, he wrote for them on the 16th of March to Nicholas, and for direction as to witnesses. The answer of Nicholas is prompt with instructions, but silent as to the 'witnesses;' who, though a commodity seldom scarce at a pinch, do not seem as yet to have been forthcoming. He wrote on the same day:

'Sir, I pray except generally to the whole body of Sir John Eliot's account. And particularly for abating of 800*l*. for Hyatt's ship; whereas my lord gave only to Sir Edward St. Maure his grace's own part and no other man's: and for that he saith there was nothing received of a Frenchman for composition, and it will be proved he had 100*l*. Other exceptions there are, whereof we shall shortly make good proof; and therefore I pray forbear to allow of Sir John Eliot's account until you hear further from his grace, which shall be as soon as conveniently may be. And so I rest, your assured loving friend, E. N.'

Richard Wyan made his objections accordingly, in the ge-

<sup>3</sup> S. P. O. I take this letter from Nicholas's original draft, written (in his dreadful scrawl) on the fly-leaf of the letter it replies to; indorsed '16th March 1625-26, Mr. Wyan about Sir John Eliot's account and my answer.'

neral and particular ; and in the particular was promptly answered by Eliot, who, with all due forms, by his proctor Mr. Williamson Wyan, Richard's brother, put in his denial of the duke's exceptions. It remains still in the state-paper office.

In it is set forth the fact that George duke of Buckingham, in the year 1622 (this was the renewal, with larger powers, of Eliot's former patent), had by virtue of his office of lord high-admiral appointed 'the right worshipful Sir John Eliot, knight, vice-admiral for the county of Devon ;' that full powers were thereby granted him to seize all pirates' ships and goods within that district, its covenant being that one-half of the produce of their sale should be the lord-admiral's, and the other half the vice-admiral's ; that Sir John having so seized a ship called the Joshua worth a thousand pounds, one-half thereof belonged to himself ; that he and his officers had nevertheless received a warrant from the Duke of Buckingham to hand her over to Sir Edward Seymour, which had been done accordingly, without any satisfaction for the vice-admiral's share ; that Sir Edward now had the ship ; and that the moiety thereof 'did, and at this present doth, by virtue of his office aforesaid, belong unto the said Sir John Eliot, vice-admiral aforesaid.' Further, this denial went on to say, in reference to a sum stated to have been received for some alleged composition with a Frenchman, that it was entirely a pretence, and that no such transaction had taken place.

That was Eliot's answer.<sup>4</sup> Sir Edward Seymour was the duke's friend, not his ; and it was not denied that the ship had been handed over to him in obedience to the lord-admiral's warrant. If the duke intended only to give his share, the warrant should not so have expressed his order as to leave Eliot's claim unsatisfied. In short, his denial conveyed, as plainly in the Seymour case as in that of the Frenchman, that the exceptions taken to the account he had rendered were false. Not many days after it had been filed in the court, he appeared before the lords to deliver his epilogue to the duke's impeachment ; and Buckingham had the opportunity of observing how far his public spirit was likely to be subdued by any amount of harassing private persecution. As little might it have been hoped to impress Raleigh himself by fear, if that dauntless spirit, living ever in Eliot's fancy, and to whom with a strange

<sup>4</sup> Ms. at Port Eliot. In the S.P.O. it is indorsed : 'R. 2d May 1626. Sir John Eliot's denial of the exceptions to his account.'

fondness his thoughts so often turned, could have revisited the earth.

The prompt decisiveness of Eliot's answer brought matters to a stand for a while. Parliament was dissolved; and Sir John, returning to the west, resumed the duties of his office as if neither Bagg nor Buckingham existed. Clearly, if anything was to be done, some fresh starting-point must be chosen. Then it was that Bagg appears to have made a suggestion, on which the 'commissioners for the duke's estate' sitting at York-house on the 1st of July 1626, lost no time in improving; and the draft of the memorandum made by them has happily been preserved. It thus runs:

'The commissioners think the best way to bring Sir John Eliot to account is to procure a commission out of the admiralty-court, directed to gentlemen of worth, spirit, and integrity in the country, *who are well affected to my lord*: such as are Sir Barnard Grenville, Sir George Chudley, Sir William Stroude, Sir James Bagg, Sir William Poole, John Moone (Mohun), Mr. Drake, and Mr. Kifte, esqs,<sup>5</sup> or to any four or more of them. That Sir Henry Marten be advised with, that the proceedings be ordinary and warranted by good precedent. That the nomination of a commissioner or two be left to him. And that certain articles be annexed to the commission, *wherein Sir James Bagg can give best direction, who hath made a collection of sundry exceptions against Sir John Eliot's account and some proceedings in his office of vice-admiralty.*'

The character of this proceeding sufficiently declares itself. There was to be a commission to settle matters in dispute between Eliot and the duke, of which the members were to be selected on the principle of being well affected to the duke; with the addition that two of the number were to be nominees of the judge to whom in the last resort the decision of questions raised would have to be referred. Nicholas had too many of the instincts of an honourable man to give entire approval to this, and I find his marginal note on the draft intimating that Sir John ought to name half the commission. This, as will be seen, was overruled.

Another addition made, not in the hand of Nicholas, exhibits the desire of the duke himself too strongly not to convey its authorship with sufficient clearness. It is thrown out by way

<sup>5</sup> Every one of these men was notorious for his subserviency to the duke; all of them, excepting Kifte, having shown it unmistakably during the proceedings of the parliament just brought to a close.

of query 'Whether Sir John may not be sequestered in the 'meantime;' and direction is given to search 'for precedents.'<sup>6</sup> That Eliot should act for another day as vice-admiral, after his conduct to the chief of the admiralty, was unbearable; but on that point his own answer would probably have been, that the chief of the admiralty was under impeachment of offences against the state, and that as the office might be expected to survive the man, he was not bound to identify them. The decision now taken, however, excluded all explanation or 'denial.' He was not to have even the questionable advantage of being heard after being struck: he was to be struck and not to be heard.

Vice-admiral of Devon he nevertheless continued to be; and it will not be without interest to observe the effect, upon the plot and plotters, of his characteristic determination still to act as if they were not in existence. One case is of sufficient importance to stand by itself. The others, requiring less ample notice, will follow; and the course taken by the commission above named may then be succinctly traced, up to the close and results of the conspiracy.

## II. *Story of the Fortune of Hamburg.* ÆT. 34.

The first case of Eliot's exercise of his authority after the dissolution in June 1626, exhibits not alone a series of proceedings against him of the most extraordinarily harassing description, but on his own part a discharge of official duty so clearly above reproach that it proved stronger for the time than even his enemies. It is that of a ship called the *Fortune of Hamburg*; wherein the persecutions to which he was subjected began immediately after the second parliament separated, and lasted till the assembling of its successor.

The outline of the story is simple enough. A merchant ship having goods on board to the value of two thousand pounds is lying in Swansea roads, her master and some of the crew being ashore in Swansea, when she is taken by certain Welsh pirates, who carry her

<sup>6</sup> S. P. O. The draft had been sent to 'Mr. Nicholas, at Mr. Reymes, "haberdasher, his house at the sign of the Gate near York-house, or elsewhere.'

over the bar into Appuldercombe, removing and disposing of her cargo. This took place towards the end of April. Upon Eliot returning to the west, after the breaking-up of parliament, the case comes before him. The master of the ship proves to his satisfaction that he was a trader of Hamburg, and that the cargo as well as ship belonged to him and his partners; whereupon Eliot adjudges that the ship and goods be returned to him, directs that free passage and liberty of sale be allowed him in all ports and harbours, orders the arrest of the Welsh pirates, and issues his warrant for the restoration of such parts of the cargo as his officers had been able to trace. Nothing can possibly appear more fair.

Not so, however, thought Mr. Drake and Sir James Bagg, under whose suggestions the case began soon to take a quite different aspect. The ship doubtless was a Hamburg ship, but it was admitted that her Hamburg lading had been sold, and that she had taken in a fresh lading at the Spanish Brazils; and might it not be that she had then become an enemy's ship, and as such subject to capture for the king, which in point of fact the Welsh seamen had in view in their proceedings, and would have satisfactorily accomplished but for Eliot's interference? What the motive for such interposition could be, it was not for Bagg and Drake to suggest; but the vice-admiral's extraordinary zeal on the captain's behalf seemed to render it likely that some interest or share in the restored cargo had been conceded to him. At any rate, it was a case for inquiry. Whereupon, of course, Buckingham directed inquiry to be made; and expressed a wish that Sir Edward Seymour, the hero of the 'Joshua' dispute, and having a strong present interest in anything that might discredit Eliot, should be joined with Bagg and the elder Drake in the investigation. On the 14th of October, Drake made report to Nicholas.

'Worthy sir,' he wrote, dating his letter from his house at Ash in Devon, 'I presently upon the receipt of my lord's letter went to Barnstaple; and I found Sir John Eliot's carriage to be strange, as I have acquainted my lord by my letter. . . The skipper will be up at London about the latter end of the next week; and if there be a commission sent down for the examining of the rest, I think there will be some matter gathered out of them. Howsoever, I am sure Sir John Eliot had no warrant to discharge them as he did; and I think the matter will fall foul against him. I find the mayor of Barnstaple that was the last year, and the rest of the magistrates, are all for the Flemings and Sir John Eliot; and so I could get nothing except it be done by oath. Which must be, if the truth be hunted out. And thus leaving it to my lord's good consideration, in haste do rest your assured friend to dispose of, J. DRAKE.'<sup>1</sup>

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<sup>1</sup> S.P.O. Drake 'to my worthy friend Edward Nicholas, Esq, these.' Indorsed as received on the 19th.

Mr. Drake is somewhat more frank to Mr. Nicholas than he was in writing on the same day to the duke. His inquiry had been so far a failure that no matter was elicited from it prejudicial to Eliot; and it was an awkward circumstance that the mayor and the rest of the magistrates should all be in favour of the rebellious vice-admiral. Still, a commission might do wonders; and Eliot's mode of carrying himself had been very strange; and Mr. Drake has not at all lost hope but that the matter may fall foul against him.

His letter to Buckingham dealt chiefly with points of his examination (not upon oath) of the skipper and his men.

'I examined the skipper concerning the ship and goods; and the company; which I find differing in their speeches concerning passengers as they call them, and pieces-of-eight, which was in the ship. Touching the passengers, the master saith he had four, and that they were Flemings. The company said they were but two, and they were Portuguese, and had nothing but a few canisters of lemons, which stayed not long after they came ashore. I examined the master for pieces-of-eight, who said he had but eleven; but a boy of the ship confessed that there were sixty-three; and I heard by him that was mayor at that time, that there were five hundred. So there was difference in all their speeches. Therefore I do imagine there was some good store, which I believe Sir John Eliot had his share [of]. I did not examine exactly, because I had no authority to minister an oath unto them, as I conceive.'

Hard are Mr. Drake's efforts to make out something of a case for my lord duke, but all the points to which he draws attention are immaterial; and the sole material point, whether the ship's cargo, admitting it to have been bought in an enemy's port, had not been paid for by the money of Flemish traders with whom the master was a co-partner, Mr. Drake does not even touch upon. Only one of the crew, a boy, could speak English; and even taking his evidence that the passengers were Portuguese, in preference to that of the master that they were Dutchmen or Flemings, the case remains as it did, for no one asserts that they had anything belonging to them in the ship's cargo but a few canisters of lemons and oranges which they had brought over to give to their friends. Equally little to the purpose was the dispute as to the number of pieces of Spanish coin, unless it could be alleged that the mere fact of their being Spanish made them prize without regard to ownership. But though on the one side so little is established, on the other the foul play is manifest enough. Notwithstanding Eliot's directions, pretence had been made to stop the ship by an arrest for debt; and the very extent of the property under question seems to have been the only plea for depriving the owner of the benefit of the vice-admiral's favourable decision; just as Mr. Drake, by some similar process of



logic, infers that because there were so many pieces-of-eight, Sir John *must* have had his share!

Drake's suggestion for a commission of inquiry was acted upon, and formal process for it issued from the admiralty; but before its sittings began, the constable of Appledore, who held Eliot's warrant of arrest against the Welshmen, related some earlier incidents of the affair which threw unexpected light upon it.<sup>2</sup> The deposition of this worthy Mr. Bishop, without at all intending so much, made it clear that before Eliot had in any degree taken upon himself to interfere, his deputy Mr. Crosse, acting under an order of council (for which he was bound to apply in the absence of the vice-admiral), had viewed the ship and goods, and reported the facts as afterwards adjudged by Eliot; but that some dispute then took place, of which the end was that certain other persons claiming to be king's searchers, and who had come forward on the pretence that the Welshmen's interest in the seizure had been assigned to them, got possession of parts of the property. Setting aside confusions of date and time, from which none of the transactions are completely free, there is one thing clearly derivable out of the whole; and it is beyond doubt to me, upon view of the several papers, that the notion of seizing the ship for the king was an after-thought, devised chiefly with the hope of harassing Eliot, and putting him under troublesome and expensive processes of defence.

The admiralty inquiry went on, and in the course of it the persons appointed had power to examine all witnesses on oath; but they failed to establish any irregularity. Everything had been done by course of law. Their statement seems to me in effect an enforced acquittal of Eliot, though it was far from being accepted in that light by the men now banded against him. They say:

'Those whom we found by oath to have received or bought any of the foresaid goods did allege for themselves that the foresaid goods were entered in the custom-house, and therefore they might lawfully buy the same. And some of them farther showing that they were required by a warrant from Sir John Eliot, knight, being then vice-admiral,<sup>3</sup> to make satisfaction for the said goods to one John Martens of Hamburg, skipper of the foresaid ship; others alleging the deputy vice-admiral discharging in the like kind, being one Henry Crosse of Barnstaple (whom we precepted before us, but did not yield his appearance, being a very aged gentleman, but sent his son unto us with his father's warrant granted from the vice-admiral, farther alleging that he had then business to do for the king);—

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<sup>2</sup> Bishop's letter was addressed 'to the right worshipful John Drake, Esq, at his house by Exeter.'

<sup>3</sup> Eliot had been sequestered when this commission sat, as will shortly be seen.

hereupon, and for the cause aforesaid, the bearer hereof, Richard Herbert, supposing this a wrong unto his majesty, did not proceed any farther, but required us to certify our proceedings to the judge of the high court of admiralty according to the effect of the commission, whereby he might receive farther directions what should be done in the premiss.<sup>4</sup>

At the time this admiralty-process issued, a step had been taken against Eliot which rendered it more than ever desirable that some public judgments should be obtained against him; and the Richard Herbert to whom the managers refer, though a person whose only interest arose from his alleging that the Welshmen had made over to him their assumed rights, whereupon he had been permitted to represent himself as the solicitor employed on their behalf to prosecute the suit in the name of the king, lost no time in procuring from the admiralty what the result of the inquiry had failed to help him to. He obtained judgment and process against all who had any portion of the cargo under Eliot's apportionment, and he fixed upon the wall of the Exchange a copy of the same under the admiralty seal, 'according to the custom of the said court, in exchange 'time, and in the full concourse of merchants.' A highly unexpected incident thereupon followed. One of the merchants present not only threatened to hang Mr. Herbert himself, but also threatened to suspend by the same rope

'all those Welshmen that had, as he said, piratically surprised the ship and foresaid goods; and so did, in a most scornful malicious manner and contrary to law, take down and go away with the said process and seal; being a great scandal to the jurisdiction of the admiralty, and an open disgrace and discouragement to all those that endeavour the seizing and taking of enemy's ships and goods for the service and advantage of his majesty.'

Which alarming and unbecoming behaviour Mr. Herbert having duly set forth in a petition addressed to his grace of Buckingham himself, he proceeds to intimate to his highness that the conduct of this merchant, by name Mr. John Health, clearly showed a confederacy and combination between him and Sir John Eliot, which it highly imported the service of the state to meet with some condign punishment.<sup>5</sup>

At the time when Mr. Herbert arrived at this conclusion, it was the middle of December 1627, and nearly two years had been passed in fruitless proceedings to discredit the official authority and establish the criminal responsibility of Eliot in a business which now found its appropriate climax in this notable proposal. Nevertheless,

<sup>4</sup> S. P. O. Dated '10th September 1627.'

<sup>5</sup> Ib. 'The humble petition of Richard Herbert to the right gracious 'prince George, duke of Buckingham, &c. &c.'

incredible as it may seem, the subjoined memorandum in the handwriting of the lord-admiral, who had been not many days returned from his deplorable siege of Rhé, remains actually affixed to Mr. Herbert's ridiculous petition:

'15th December 1627. I desire Sir Henry Marten, knight, judge of the admiralty, to make certificate unto me of the examinations he took in this business upon my former reference and the truth of the state and proceedings herein, that I may take such order as his majesty's service or the honour of that court may not receive prejudice *by the insolency of any particular.*'  
BUCKINGHAM.<sup>16</sup>

Hatred of Eliot had now so mastered judgment and sense in him that it was impossible any longer to exert them in such a case. But even he could not take further proceeding upon the only report which Sir Henry Marten found himself able to make. Disregarding the prayer of Mr. Herbert's petition, as well as the plain allusion in Buckingham's reference, Marten chose to consider that the only 'insolency' he was to inquire into was, not Eliot's, but Mr. Health's; as to which he signifies to his grace that that individual confessed he did in ignorance pull down the process of the admiralty-court, and that on meeting afterwards with Herbert he had told him if he did not approve himself an honest man than the Welshmen, he would hang both him and them. To which Sir Henry Marten, after intimating that perhaps the man's conduct might be more excusable from his being unacquainted with the courses of the admiralty, thus drily appends his explanation of the language he had used. 'He had certificates from Barnstaple of the indirect taking by the Welshmen of the said ship; and how ill the country judged thereof; and because, upon those certificates, Sir John Eliot had sent warrants to his officers to apprehend the Welshmen.'<sup>17</sup>

With which ended, as far as I can discover, this incident, from which so much was expected, and, except in the way of mortification to his grace of Buckingham, so little was obtained.

### III. *Last Acts in the Vice-Admiralty of Devon.* ÆT. 34.

Some few other cases now claim to be very briefly mentioned, as the last in which Eliot exercised an authority of which

<sup>16</sup> The petition bears a further indorsement in the duke's hand: 'Jo. Health has contemned the proceedings of the admiralty-court, and he and Sir John Eliot combined to defraud the king of a prize adjudged.'

<sup>17</sup> S. P. O. 22d December 1627.

he was soon to be deprived. It was natural that he should act, in the circumstances of his public relation to Buckingham, with scrupulous care; and perhaps it was not less natural that this should have only tended still more to exasperate the pursuit of his enemies.

One of his first orders at this time showed the strict regard to justice with which his official duties were discharged. A French ship laden with wine, belonging 'to one David Alexander of Dieppe, 'a Papist,' had been taken prize under commission from the town of Rochelle, then in revolt against the French king, and driven by storm into Dartmouth, where Eliot arrested her. Here all his sympathies were with the captors and against the captured. But in vain he was petitioned to permit the ship to be carried into and judged at Rochelle. The case was too clear to admit of doubt. England was yet at peace with France, and the men who made prize of the ship as rebels to the French king could only be regarded as pirates by an English vice-admiral. Eliot was immovable; and though Buckingham was anxious to have found a flaw in the transaction, and it was reopened on the Rochellers being taken under protection by England, the admiralty could only confirm the decision of Eliot.<sup>1</sup>

The next case was that of a ship of Amsterdam called the *Margaret*, of which the circumstances can only be very imperfectly stated. She had twice been plundered, first by a man-of-war of Sallee, and afterwards by a pirate; and upon being driven into Dartmouth was taken as derelict by Eliot's officers, who were alleged to have given cause of action against their vice-admiral by making sale of the goods, and staying the ship (ultimately restored) for an undue time. Eliot's answer appears to have been, that circumstances of suspicion justified the delay, and that the goods taken, as might fairly be presumed from the circumstances of the previous double capture, were of no value. The case was in reality a trumpery one, and worthy of notice only for its illustration of the slight pretences on which the powers of the admiralty were set in motion against Eliot; of the influences employed with Sir Henry Marten; of that judge's infirmity of purpose, letting still as of old his 'dare not' wait upon his 'would'; and of the all-overruling hate of Buckingham.

The owners, through the master of the ship, one Garrett Ouckerson, had procured from the admiralty-court a 'monition' to Eliot to

<sup>1</sup> S.P.O. There is no date or indorsement upon the ms fragment from which I derive this fact: but it will be found in Dom. Cor. xxii. art. 55.

pay 250*l.* for the freight of the ship, failing cause shown by Sir John to the contrary. With this monition off went Mr. Ouckerson all the way from London 'to Sir John Eliot's house;' as he plaintively stated to the council, 'Port Eliot, a distance from thence 220 miles;' with no other satisfaction than an assurance from Sir John that he would attend to the matter in a few days; which he never did, but on the contrary 'did nothing.' This was so entirely unsatisfactory, that again Mr. Ouckerson applied to the admiralty, and again found every disposition to help him; but this passage of the story can only be told in his own words.

'Sir Henry Marten,' he says, 'granted an attachment against the said Sir John Eliot for his contempt therein; but before the petitioners could get the attachment sealed, there was stay made thereof by the same judge that granted it. Whereby the petitioners were enforced to procure the Duke of Buckingham's direction to the said judge to grant them another attachment against the said Sir John Eliot.'

No difficulty in procuring that; with which, and reinforced this time by two constables, down again trudged the indefatigable Ouckerson to Port Eliot; nay, had to go still further and fare no better, for he and his constables 'found the said Sir John Eliot in the house 'of Edmund Parker, gentleman, where he kept close and would not 'be spoken with.' That was in the spring of 1627; and though a deceitful message was sent out to the unhappy Ouckerson and his constables, they had to trudge back just as they came. The occasion of his afterwards petitioning the council was when, in the summer of that year, government itself had laid Sir John by the heels in the Gatehouse for refusing the loan, and the vigilant Ouckerson thought it a capital opportunity for serving his attachment.<sup>2</sup> But here, alas, he vanishes from this history, no further account having been kept of him or his cause.

The third case will be sufficiently and characteristically told in the language of Mr. Bishop, already an actor in the drama of the ship *Fortune of Hamburg*. Mr. Bishop was in the pay of Mr. Drake the younger, and to him, as the person declared for the reversion of Eliot's office, he sends timely news of everything on the coast. I make intelligible his astonishing orthography.

'Right worshipful, with my best service,' says Mr. Bishop. 'According to your order left with me, I have sent this messenger with my letter on purpose to inform you that there is a barque come the 22d of this month within our harbour of Barnstaple, full laden of Barbary skins, elephants' teeth she hath a-board, and other commodities she hath, which for the

<sup>2</sup> S. P. O. 'And the said Sir John Eliot being now in the Gatehouse at 'Westminster upon your honours' command cannot be charged with the 'petitioners' attachment without your honour's special favour.'

certainly as yet we know not; the marshal under Sir John Eliot hath made stay of her, whereupon the master of the barque is gone unto Sir John Eliot; these Frenchmen, as we understand, are of Dieppe, a place in France, which were bound for Guinea upon the coast of Barbary, with two ships, there to traffic, where they met with this barque, being Turks. The captains of the French ships did desire to have the captain of this ship to come a-board them; he coming a-board them they demanded for the Christians, and presently made dispatch of the Turks, and so took this barque: now being homeward bound with the other two ships by extremity of weather they were enforced to come within our harbour: the time which they came from Guinea is ten or twelve weeks since: thus have we by relation of the company: the barque is of twenty-five tons or thereabout: three pieces of ordnance, five or six morderers, twenty or thirty small shot, and likewise so many men. They have a Moor and a Turk a-board them, and it is presupposed that it is a prize. Thus with my well-wishing service ready to pleasure your worship in what I may to the utmost of my power, JOHN BISHOP.<sup>3</sup>

Whether Mr. Drake was able through this rigmarole to make his way, among the Barbary skins and elephants' ('allafants') teeth, past that place in France which Mr. Bishop calls 'deep,' and through the intricacies of Turks and Christians, five or six morderers, and a Moor, to any satisfactory decision of whether or not a prize had here presented itself, is not material to us. The chief point of interest in the letter is its date. It was written on the 25th of October 1626, on which day a council of some interest to the hero of this narrative was sitting in London. But before adverting to it, a fourth and last case in which Eliot exercised his powers as vice-admiral claims to be mentioned, and will indeed connect itself with the sitting of that council.

On the 22d September 1626, Bagge wrote to his grace of Buckingham. He had one man to supplant; another to promote; and a third to do such deadly disservice to, as lay within his power. These were the offices Bagge delighted in, and which made him alike detestable as friend and as enemy. Obsequious in his services, treacherous in his enmities, he was the same Sir Pandarus in both; and the wise would have shrunk with equal loathing from his hand, whether lifted officiously to support, or eagerly to stab. His present objects were, first to get William Coryton, Eliot's friend and fellow-patriot, removed from his place in his county; next, to substitute for him that same Mohun who, as already we have seen, will hereafter appropriately reward his favours by denouncing him in the

<sup>3</sup> S. P. O. Dated 'Appledore, this 25th of October.' Indorsed '1626.'

star-chamber as a swindler; and lastly, and above all, to urge the superseding and sequestration of Eliot. He begins by reminding his grace that he had expressed his favour to 'friend' Mr. John Mohun by getting him made vice-warden of the stannaries in Cornwall in Coryton's stead. Reports had been going about the country of the duke's intention to favour some other, 'which, if so,' says Bagg, 'he is no other to your grace than a second Coryton.' The county, he grieves deeply to say, follows the most evil examples in reference to the contribution for his majesty. None had been so forward to express their loyalty as Mohun and Barnard Grenville, and though they had been overborne, he beseeches his lordship to persevere in his affection to Mohun, and to know him able and willing to do all his grace's biddings. He then comes to the pith of his letter.

'One Captain Jelley,' he writes, 'under a commission of the states is come into Cattwater near Plymouth within the vice-admiralty of Devon: and with him hath brought a French ship he took upon this coast laden with fish, and floating upon the sea without any person in it, being a derelict. Eliot's officers have been a-board; not seized upon her, but bought her from Jelley. The right I take to be in your lordship, from whose hands Jelley is to have some reward. I conceive it is no wrong to your grace his justice, that Sir Henry Marten send a commission to Sir Edward Seymour, my cousin Drake, and myself, or any others you will please to interest in your behalf and the proprietors, to seize her until further order; for in my poor opinion I hold it convenient your grace should in all things express your dislike of that ungrateful villain Eliot.'

The proposition is simply the unblushing one that Eliot should, without further ado, be superseded and deprived of his office: the same wish being still more frankly expressed in a letter of the same date to his 'beloved friend' Nicholas, whom he urges and beseeches to second his views.

'Above all, let not Eliot be here a man of action. If you knew how it doth reflect upon my lord, you would, as I do, grieve to understand it. Therefore, for Jelley his derelict, send me a commission.'

Not only was the commission sent, and the ship taken from Eliot's officers, but a more flagrant act was decided on. Although the duke's private committee, already appointed 'commissioners' for inquiring into Eliot's accounts and his administration of his office, had not held a single meeting, it was thought the safer course to begin where it had been predetermined that the investigation should end; to condemn and sequester him

'S. P. O. Indorsed 'R. 26th Sept. 1626.'

first, and afterwards to make the inquiry. It was done with every circumstance of form and solemnity. There was a very full council, comprising all the great officers of state; and the king came in person and presided. Here, as it still stands on the register, is the memorable minute which records the act of that day.

‘At the court at Whitehall, the 25th of October 1626; present:

The King's most excellent majesty,	
Lord-keeper,	Earl of Bridgewater,
Lord-treasurer,	Earl of Holland,
Lord-president,	Lord-chancellor of Scotland,
Lord-admiral,	Lord Conway,
Lord-steward,	Lord Carleton,
Lord-chamberlain,	Mr. Treasurer,
Earl of Dorset,	Master of the wards,
	Mr. Secretary Coke.

Upon credible information given to the board that complaint hath been made of divers foul abuses and misdemeanours committed by Sir John Eliot, knight, vice-admiral of the county of Devon, in the administration of his said office, which abuses and misdemeanours are many of them such as bring with them scandal and dishonour to the state, and damage and hindrance to sundry particular persons his majesty's loving subjects, and to strangers his allies and confederates: their lordships, taking the complaints aforesaid into their due consideration, and desiring to remove the cause thereof and to prevent the like clamours and inconveniences hereafter, thought fit and ordered that the lord-duke of Buckingham, lord-high-admiral of England, shall be prayed and required to give present direction to sequester the said Sir John Eliot from all farther meddling with or executing of the said office of vice-admiral of Devon: and in his room to constitute and appoint some such other person or persons as he shall think meet to manage and execute the same. Hereof his grace is also prayed and required to take knowledge, and accordingly to give direction that this order may with care and diligence be duly performed.’

Concurrently with the promulgation of this act of council it was announced that Sir James Bagg and Sir John Drake (the younger of the Drakes now obtaining knighthood) would in future, by direction of the duke his grace, execute the office of vice-admiral of Devon.<sup>5</sup>

As yet unconscious of the foul blow struck at him, Eliot was busy in his duties to the last; and the latest act which the

<sup>5</sup> In the S. P. O. under date the 26th September 1628, will be found a ms list of all the vice-admirals, Devon being inserted thus: ‘Sir John Drake and Sir James Bagg: it being sequestered from Sir John Eliot.’ Sir Edward Seymour, it seems, had strongly solicited for it.



spies that now dogged him at every step were able to report against him, showed him anxious, as he seems always to have been, not to make toll and tax of every ship driven within his jurisdiction, but to give hearing and allowance to reasonable claims. Four days after the council sat, the elder Drake wrote plaintively to Nicholas of a ship come on shore at Barnstaple of good value, which he would fain have seized for the duke. 'What Sir John Eliot will do with her, I know not; I think 'discharge her, as he did the other ship.'<sup>6</sup>

One more exercise of authority closed Sir John Eliot's administration of the vice-admiralty of Devon. It was the release of a Turkish ship, taken by a Frenchman and driven into Appuldercombe; and appears to have been so clear a case that an order was issued from the admiralty-court several months later, calling upon the deputy-judge of Devon, Mr. Kifte, to show cause why he had detained the ship under arrest.

His answer<sup>7</sup> was that 'Sir John Drake and not Kifte arrested the ship, nailed-down the deck, and took away her sails, after Sir John Eliot, the vice admiral pretended, had released her, for that Sir John Eliot was sequestered from his office before the release made, and the power was in Sir John Drake, who had a command to do that.'

It was the only official act done by Eliot after his sequestration was made public, and was doubtless designed by him as a practical protest against what he believed to be an unlawful proceeding, which he also formally protested against in other ways. That he would have submitted the question for decision of the courts is certain, if Buckingham's death and his own imprisonment had not intervened. In the interval between those events, it will be hereafter seen, he sent his letters patent to his friend Selden for an opinion how far certain powers contained were affected by the grantor's death; and I am able to subjoin curious evidence of the fears and misgivings that beset

<sup>6</sup> S.P.O. Dated 'Ash, this 29th of October 1626.'

<sup>7</sup> Ib. 11th August 1627. 'Breviat of the informations against Kifte, 'with his answer thereunto and proofs made.' It may be worth adding that Eliot's old acquaintance Nutt turns up suddenly at this time, made more formidable in his malpractices by the favour wickedly extended to him; and there is a report from Kifte to Nicholas of a flagrant act of piracy committed by Nutt a month subsequent to this inquiry into the affair of the Turkish ship. Ms. S.P.O.

both Bagg and the younger Drake in the enjoyment of their spoil.

Three months later, when these men already had begun to quarrel over the ill-gotten gains, Bagg wrote to Nicholas with great professions of being his true friend, to remonstrate against Drake being allowed a portion in all his seizures; and to express very abjectly the hope that nobody 'employed in the west' might have the advantages promised to himself. He thought it hard that Sir John Drake should share in

'the sugars whose seizure is singly and only my act, the place you know where, and by that authority which was given to Sir John Drake and myself jointly and severally. But I would, if it might have been with convenience, have made it a work of Cornwall to have avoided Eliot's claim.'

In like manner Drake, a few months later, when he rendered account of his first year's receipts, after telling Nicholas what little reliance was to be placed on Bagg's word, and how he paid no tenths for anything he brought in, went on to exhibit his dread of Eliot.

'What Sir James Bagg hath received he will give account for. I have sent you up two of them. One of them is according to the appraisement; which should seem is the ordinary course of the vice-admiralty to do, though I think not the honestest. The other is according to the sale of the goods, which is honest. I will make good to my lord according as it is sold; but only I desire you that the account with appraisement may be shown, and the other concealed. My reason is Eliot hath given out words that I am but his man, and will bring me to an account for all that I receive, which if he should he might have nothing but the appraisement, which I hope he shall never have power to do.'

Honesty is only a commodity to deal in, according to Sir John Drake, when my lord is in question. It is too scarce to be wasted, and to any share of it such people as Eliot have no claim.

But to the same brace of worthies who fell thus eagerly to enjoyment of what the sequestration had struck from Eliot, it is now also left, in the same spirit of justice which dictated the

\* S. P. O. Bagg 'to my worthy friend Edward Nicholas, esq, secretary 'to the duke his grace, these.'

\* Ib. Sir John Drake to 'his honoured friend Edward Nicholas, esq, 'these be delivered in London. Ash, the 29th October 1627.' The entire letter is worth study for its example of the difficulty rogues have in agreeing about their rogueries.

punishment before inquiry, to conduct the inquiry which is to justify the punishment; and their proceedings in relation to it may happily still be traced among the letters and correspondence of Nicholas and the duke preserved in the state-paper office.

#### IV. *Conspirators and their Victim.* ÆT. 34.

The first mover of the commission we have seen to be Bagg; and upon the fact of his having made 'a collection of sundry 'exceptions' against Eliot's account rested the sole hope of prosecuting it with any colour of success. We have seen also that a suggestion made by Nicholas was overruled, and its members were chosen exclusively from 'men well affected to my 'lord.' In now describing its proceedings, therefore, I am in no respect guided by the consideration that a particle of credit would be due to any statements against Eliot's honour made or adopted by it. My object is solely to exhibit the workings of the conspiracy against Eliot, the absence of justice that characterised each step in the transaction, the artifices resorted to throughout, the trivial nature of the only charges it was found possible to rake up, and the utter failure in which the business closed.

Among the names suggested after Bagg's, it will be remembered, the Drakes were conspicuous; and on the 2d of October 1626, the elder of them wrote to Nicholas that upon his son's return he would write again concerning Sir John Eliot, for that Bagg had carried away the commission, and he had not since heard from him.<sup>1</sup> On the very same day, however, Bagg was himself writing from his house at Saltram to his 'beloved friend' the secretary, to tell him in great alarm that he is afraid Eliot has got hold of a copy of the commission and articles. The man to be put upon trial, in other words, without the opportunity of making his defence, had somehow most treacherously got hold of the knowledge of what was going on! Bagg protests (unnecessarily) that it could have been in no way from

<sup>1</sup> S. P. O. Mr. Drake 'to his worthy friend Edward Nicholas, esquire,' and dated 'Ash, 2d of October 1626.'

him ; and he beseeches Nicholas to find out so base a perfidiousness, and let the doer of it never live another hour a minister in the admiralty. He goes on to say that his cousin Drake had first read the commission ; then Kifte, the deputy-judge of admiralty in Devon ; then Sir Edward Seymour, the man now at issue with Eliot on the question of the duke's handsome gift to him, whom Bagg had appropriately selected as a commissioner ; and that he had also shown it to Sir William Strode, Sir Bernard Grenville, and Mr. John Mohun, all of them thoroughly well affected to my lord. They would all be ready to attend any meeting, yet Bagg had his doubts of success unless he should himself turn solicitor and manager. The truth was they could not rely on Kifte. It was impossible to exclude him from the commission, being the only man having any sort of official knowledge of the matters to be charged ; yet there was great reason to believe he would play the knave with his confederates. Might it not be well if the admiralty solicitor himself, Mr. Davyle, were sent down to try and hold the thing together ? Bagg would do his part, but dispatch was of infinite importance.

Five days later some light is thrown, not only on the alarm of Bagg and the supposed juggling of Kifte, but on difficulties which threatened shipwreck to these worthies at the very starting, by another letter to Nicholas from the elder Drake. My lord had sent to him to make inquiry at Barnstaple in a matter affecting Eliot, which he should attend to with all speed and write to my lord. Bagg also had written to him for sitting on the commission, and would have it to meet at Dartmouth ; but that was forty miles from his house, and twenty from where certain witnesses were that he had knowledge of. Bagg had left the time to him too ; but he could not now name a day because of the other Eliot affair appointed him by the duke. ' For I think to dispatch this business ere that be done, for ' if this fall right it will serve us well.' Then comes the important part of his letter. He desires greatly to hear whether there be *any parliament* in contemplation by the king's majesty ?

' For those friends of my lord's, *such as Eliot was*, giveth out that the day is appointed, which is the second of the next month ; and they have

laboured for places already; and are sure of it; and give great words what will be done, and notes taken what speeches hath been given, and note-books be filled; and many other words given out which will be too long to write; so as I should be glad to hear *whether there will be one or no*. God bless my lord's grace, and defend him from his enemies.'<sup>2</sup>

Public affairs had now got into so desperate a condition that the only conceivable remedy began to be talked about again; and with a parliament, the plotters too well knew that Eliot's day would return. This it was that paralysed the plot at its outset; and accurate measure may be taken as its successive stages are developed, and the conspirators are combined and hopeful, or despondent and quarrelling, of the rising or falling chances that another parliament may meet. Nine days after Drake's letter Bagge wrote again.

After further pleading for his friend Mohun to be vice-warden, he tells Nicholas that Kifte had at last sent him some notes, but absolutely they were confirmatory of Eliot's account! What could Bagge think of this but that the fellow juggled? However, they of the commission meant to meet at Exeter in seven or eight days, when the secretary should hear further.<sup>3</sup> Writing to Buckingham also, on the same day, of matters which will hereafter claim notice, he is careful to mention that, of the commission concerning Eliot, though it had lately been standing still, he should proceed in it as shall be to his grace's honour, 'and at last give a due reward to that 'ungrateful villain.'<sup>4</sup> And again, on the 9th of November, he writes to my lord from Plymouth to inform him:

'For Eliot's business little is done in it; some time is lost; but I hope it will tend to his utter ruin! For my heart desires nothing more than to have that traitor's base ingratitude appear to the world.'<sup>5</sup>

His next letter on the subject is to Nicholas, after an interval of nearly three months, during which the business still has hung fire. Great political excitements have been all this time prevailing in the county; and though Mr. Davyle has gone down to try and accommodate in a friendly way the bickerings of the commissioners,<sup>6</sup> his efforts have been the reverse of successful. Bagge's letter is in a

<sup>2</sup> S. P. O. Mr. John Drake to Nicholas, from 'Ash, this 7th of October 1626.'

<sup>3</sup> Ib. From Saltram, this 16th October 1626.

<sup>4</sup> Ib. Bagge to 'my lord the duke,' 16th October 1626.

<sup>5</sup> Ib. Bagge to Buckingham, 'Plymouth, 9th November 1626.'

<sup>6</sup> Ib. Sir John Drake 'to his much-honoured friend Edward Nicholas, esq. &c. &c. Barnstaple, this 6th of January 1626-7.'

most tearful tone of wailing and lamentation. Mr. Davyle has had directions from Nicholas, that, in all sales of goods seized under the powers of the Devon vice-admiralty, the Drakes should always be summoned to attend; and also that no meeting of the commission respecting Eliot should be considered a quorum at which one or other of the Drakes was not present;<sup>7</sup> and Bagg has taken this dreadfully to heart. How much it 'stains' him, he will not say. Endure it he cannot. So much honoured has he been by being servant to his grace, that he must not now become an attendant to either of *them*. He writes from London, whither he had come up for explanations. It was a dishonour to him at home not to be borne, that he should be 'tied to them;' and before he could return there, it might even 'kill' him, if he were to think that such a command could have proceeded from his grace.<sup>8</sup>

This would seem for a time to have brought the commission again to a stand; and at this moment his grace's proctor, Mr. Richard Wyan, reappears upon the scene. He is in a difficulty. Upon Eliot's account as rendered there was a balance of 50*l.* due, and properly deposited. That account he had been instructed to oppose; and now Sir John had appeared in court by his counsel, and claimed to have his money back if his account was not to be passed. What was he to do? He thought the claim could not in justice be denied, but he had demurred to it for time.<sup>9</sup> This was the only notice Eliot had yet deigned to take of the conspiracy against him; and all his character was in it, scornful and resolved.

Upon various pretences, delays were nevertheless interposed. Those were the busy and anxious months at the admiralty which preceded the sailing of the expedition for alleged relief to Rochelle; and it was not until the lord-admiral had departed with the fleet, in the same month when Eliot was imprisoned for refusing the loan, that Nicholas again addressed himself to the commission against him. Buckingham had left it behind him as his legacy of hate to the enemy he most dreaded, with urgent orders for its active prosecution. The admiralty solicitor, Mr. Davyle, was accordingly sent down for this purpose with formal instructions on the 26th of August 1627; and in the state-paper office there remains the rough draft of a letter which he carried with him from Nicholas to Bagg, urging forward the work, and describing it as a service that 'as you

<sup>7</sup> The object of Nicholas was evidently to establish some check over Bagg, though he covered it with friendly professions of his desire to establish proper relations between him and the Drakes.

<sup>8</sup> S.P.O. Bagg to Nicholas, 18th February 1626-7.

<sup>9</sup> Ib. R. Wyan to 'the worshipful Mr. Edward Nicholas, esq. from 'Doctors Commons,' 17th February 1626-7.

'may perceive by a former letter from my lord has more expectation than it seems the commissioners imagine for the king's honour.'<sup>10</sup> From amidst the troubles and disasters of Rhé, the duke had yet found time to urge upon his secretary the paramount duty of following up the prosecution of Eliot.

A letter to the same effect was at the same time sent to the elder Drake. Bagg's reply of the 11th of September remains; and in it he gives assurance that Mr. Davyle is actually preparing the business, that the 23d has been appointed for their sitting, and that Bagg's best service will not be wanting. This acknowledgment could hardly have been placed in the hands of Nicholas, when, on the 13th of September, only two days after its date, with an earnestness very unusual in him, the secretary wrote to Bagg again. 'I pray,' he said, 'have an especial care of the business Mr. Davyle is come down to you for, that at last he may be able to give my lord an account of it.'<sup>11</sup>

Five days later Davyle sent Nicholas his first report. It was not entirely favourable. He had attended all the commissioners. With Sir George Chudleigh, Sir Edward Seymour, Sir Barnard Grenville, Sir James Bagg, and Mr. Mohun, he had been met by no difficulty, and they agreed upon a particular day for a sitting at Plymouth. But, on going over to Mr. Drake at Ash, excuses were made; and proceeding thence to Mr. Kifte at Exeter, he had found the like coldness. Hereupon the commissioners, especially those, interposed Mr. Davyle, '*that are my lord's truly*,' resolved to prevent any further neglect by calling on Mr. Drake and Mr. Kifte themselves to name another day; and the worthy solicitor, after singling out Grenville, Bagg, and Mohun for the praise of being 'as forward in 'the business as any friend my lord hath,' expresses his resolution, now that he had come down twice about it, to see an end of it before he returns.<sup>12</sup>

His next report nevertheless, a week later, shows him no nearer to the end. Mr. Drake and Kifte were still the obstacles; but Grenville, Bagg, Mohun, and Seymour had then determined, in the event of further delay, to go on without them, being 'resolved to spare no pains to do my lord service.' The matter involves a vast deal of toil to himself, the distance between Grenville and Drake being

<sup>10</sup> S.P.O. At the bottom of the execrably-written draft is this memorandum: 'a like letter was the same day sent to Mr. Drake concerning 'the vice-admiralty.'

<sup>11</sup> Ib. Under dates *ut supra*.

<sup>12</sup> Ib. From William Davyle to 'the worshipful my worthy friend Edward Nicholas, esq.' Plymouth, 17th September 1627.

eighty miles, and he having performed that journey thrice; but he should be ashamed now to return without finishing the affair.<sup>13</sup>

Upon this Mr. Nicholas resolved himself to put the screw upon Mr. Kifte and Mr. Drake, to whom he wrote; and after a few days was careful to thank Bagg for his care of my lord's service whereof he should not fail to make hearty report to my lord; telling him also he should hope *now* to see Mr. Davyle shortly with a good account of that business, wherein Mr. Drake who undertook much, and Mr. Kifte who promised fairly, had fallen so short.<sup>14</sup> At the time he thus wrote, on the 18th of October, he had the best reasons for knowing that no more difficulties would be interposed by either Kifte or Drake.

As early as the 6th of October, Kifte, replying immediately to his grace's secretary, had hastened to express the hope that Mr. Nicholas would so arrange that neither himself nor his registrar Mr. Staplehill should be further troubled in the matter of those '290 hides challenged by Chamberlain,' seeing that what he had done was in my lord's service; and as his intent in the confiscation was just, he did hope, by Mr. Nicholas's means, to find the fruit thereof.

'I am now putting foot in stirrup to ride to Plymouth about the commission against Sir John Eliot: and upon Monday next we do first begin to sit. I could hardly be spared by reason of my other employments; but Mr. Drake and the rest of the commissioners will not proceed therein unless I be present.'<sup>15</sup>

The other laggard, the elder Drake, Mr. Nicholas had pulled up yet more effectually. From this commissioner he heard on the 14th of October, in extenuation of his former delays. He excuses them on the ground that he desired to have as many of the commissioners present as might be, and his health had not been good. But, following implicitly Mr. Nicholas's letter, he had attended the commission at Plymouth, where they took some evidence 'which falls foul on the 'vice-admiral's part;' nay, adds Drake in his new-found zeal:

'So foul, that, if extremity be used, it will go near to touch his life in my poor opinion. The particulars are too long to write. It is not only in deceiving of my lord (as that he hath done) as it is manifestly proved, but also by violence hath taken true men's goods, by abusing his authority, and by deceiving of men with bonds without date. Which, when you shall see the particular, you would think it impossible that any man that carries the face of an honest man should do such things!'

There could be no more doubting of either of the Drakes after

<sup>13</sup> S. P. O. Davyle to Nicholas. Plymouth, 25th September 1627.

<sup>14</sup> Ib. Nicholas to Bagg, 18th October 1626.

<sup>15</sup> Ib. Kifte to Nicholas. From Exeter, 6th October 1627.



this. He went on to say that the commission was adjourned to Totness for Tuesday sen'night, and that Mr. Davyle had taken as much care and pains in it as any man could do.<sup>16</sup>

Not content with even this, however, Drake in little less than a fortnight reported himself again to my lord-duke's secretary with not less zeal. Since he wrote of the commission concerning Sir John Eliot, he told Nicholas, they had gone steadily forward with it ('al-though it were a great journey unto me to go at Totness, yet I was 'there'); and so they had finished it; and he hoped they had matter enough proved to make the gentleman known how he had carried himself in his place.<sup>17</sup>

The weary business had thus come to a close at last. Not unsuccessfully, if the Drakes were to be trusted, seeing that matter so foul was brought forward as even to touch Eliot's life; though with the slight reservation that no hearing had been given to Eliot, that no one represented him before the commission, that during the whole of their sittings (now for the six previous months) he had been securely lodged in prison for refusing the loan, and that evidence from the registers of the Devon admiralty, by which alone any charge might have been colourably maintained, had not been produced at all! Assuming, however, that certain matters were really discovered as alleged, what were they? What was the produce of all that travail undergone for the duke's satisfaction, though not brought forth until he had so embroiled the kingdom in disgrace that a parliament had become a necessity, and the abortion, with other noxious things, was swept away? The question happily can be answered. For, though nothing more was heard of the commission against Sir John Eliot, and everyone concerned had doubtless become eager to have no more said about it, 'a brief' of the results of the inquiry had been drawn up at the close of the year, and has survived among the papers at Port Eliot. I can therefore plainly exhibit what the charges were that witnesses had been found to allege or invent against Eliot's honour.

The accusation is divided into four heads. The first has rela-

<sup>16</sup> S. P. O. Drake to Nicholas, 'from Ash, the 18th October 1627.'

<sup>17</sup> Ib. Drake to 'my noble friend Edward Nicholas, esq;' from Ash, the 29th of October 1627.

tion to matters in which Eliot had not dealt truly in his accounts with my lord-admiral. The second, to misdemeanours in the exercise of the vice-admiral's office regarding pirates. The third, to sums of money unlawfully extorted from the king's subjects. And the fourth, to undue seizures of goods. Under the first, five instances were alleged; under the second, three; under the third, two; and under the fourth, two. The time over which the inquiry extended was three years, wherein the cases that had fallen within Eliot's jurisdiction on that exposed western coast were to be counted by hundreds.

The first asserted imposition on my lord-admiral was in 1623; when, on account of a seizure 'in Causen bay,' he had put down only 37*l* as received for four pieces of iron ordnance, whereas one Michael Prior had been found to depose 'that at the same time 'there was cordage and other goods seized to the value of eighty 'pounds.' The second similar imposition occurred in 1624; when he charged himself with having received only 225*l* for thirty-three chests of sugar, whereas John Viguers and Richard Evans, Exeter merchants, were ready to depose that they had given as much as 352*l* for only twenty-six chests. The date of the third was in 1624; when he had charged himself with 512*l* for 259 quarters of rye found in a derelict brought into Teignmouth, whereas the officers of the custom-house at Exeter had deposed that no less than 520 quarters were found in that derelict. The fourth was in the same year; when he had given credit for a receipt of 50*l* for the Flying Hare as an old ship of thirty-tons burthen, whereas two witnesses, Edward and William Spurway, were produced to depose that they had bought the Hare for 73*l* as of forty-tons burthen. The fifth was the ship delivered by the lord-admiral's warrant to Sir Edward Seymour, one of the honourable commissioners, who declared that the vice-admiral had already charged him, 'upon accounts between them,' with the very sum of 300*l* as his part-share which he had further charged in his account against the lord-admiral.

In the matter of pirates, Eliot's alleged misdemeanours were of two kinds. First, that he had suffered them, for a certain composition, to come in safety into the king's harbours and depart again; and secondly, that upon receiving from them money or goods, he had released them from committal without trial. Two instances of the first were stated to have occurred: in July 1626, when 'by the 'hands of Thomas Hardry his deputy' he took 15*l* from a Dutch freebooter named Jacob Johnson Bounticoco; and in September 1626, when by the same hands he received from another Dutch freebooter two thousand dried fish, afterwards sold for 20*l*: the worthy 'deputy' being ready to depose to both transactions. Of the second,

one instance had been discovered in which, 'about three years since,' after committing one Michael Rowe and six or seven others as pirates, he released them upon their handing him over some silver bullion: which fact was testified by 'John Skinner, goldsmith of Plymouth, and Felix Bell the marshal's wife, who saith her husband was never paid for their charges lying at his house.'

Both the two alleged instances of 'extorting sums of money' from the king's subjects were part of the same transaction in 'Causen bay' already named: this extraordinary charge being supported by the allegation that he had bound over Michael Prior in penalties to the admiralty-court for unlawful dealing in ordnance; and that, after binding over Nicholas Harris to answer in London for the same matter, he had dismissed him, and promised to cancel his bond upon receipt of seven pounds. A confused statement appears also as intended to be added under this head, having reference to the purchase by a Plymouth merchant, one John Cunningham, of a French ship brought in by certain Scotchmen, and restored to France by the vice-admiral. But it is not denied that the restoration was perfectly legitimate; and the charge resolves itself into the deposition of one John Dipford, who 'saith the French who claimed that ship and goods were to give Sir John Eliot 150*l* to free her, of which 50*l* was given to Cunningham, but what became of the rest it doth not appear.'

Of the two stated instances of seizing goods unduly, the first was a case of disputed account. The Neptune of London, with a cargo of wines and spirits, had been driven ashore at Salcomb, and the goods sold by the vice-admiral's order; whereon,

'being solicited by one Robert Barker on behalf of the owners, after two years' attendance he gave an account, where he charged himself with 162*l* (whereas the wines were worth 300*l*), and deducted 88*l* charges, besides the king's duties, and after a year more gave his bond for payment of a hundred pounds within a year after, the bond having no date and remaining yet unsatisfied, as is deposed by the said Robert Barker.'

The second and last case of all, was that of a wreck near Teignmouth of a Sussex barque laden with salt, when, though all the men were saved, 'yet Sir John Eliot seized the barque and gave them after only ten pounds.'

Such is a faithful statement of the entire bill of indictment, framed 'upon examinations taken by commission in the county of Devon in October last 1627,' against Sir John Eliot's honour.<sup>18</sup> Abundant material has been afforded for estimation of

<sup>18</sup> Ms. at Port Eliot. The S.P.O. copy bears indorsement 'R. 18th Jan. 1627-[8]. A brief of the matters discovered against Sir John Eliot.'

its value, even apart from what the several cases, and their proposed modes of proof, will not fail to suggest. If, to such a conspiracy of his enemies, aided by every unscrupulous artifice, only a return of so much questionable matter could be yielded out of a life of incessant activity involving personal offence to so many, we may be content to accept the commission and its fruits as a satisfactory tribute to Eliot's memory.

But the momentous interval between the second and third parliaments has been overpassed while this conspiracy against Eliot's liberty and good name was in progress, and it is now necessary to retrace that equally deliberate and more fatal conspiracy against the liberties of England.

#### V. *General Forced Loan.* ÆT. 34.

When parliament had been sent about its business, there was of course no way left but to try the 'new counsels,' of which Mr. Vice-Chamberlain had given warning. What these counsels fell short of, and the reason of the shortcoming, have been stated by Hume with much candour. 'Had the king 'possessed any military force on which he could depend,'tis not 'improbable he had at once *taken off the mask*, and governed 'without any regard to parliamentary privileges. But his army 'was new-levied, ill-paid, and worse-disciplined; nowise superior to the militia, who were much more numerous, and who 'were, in a great measure, under the influence of the country 'gentlemen.' He might have added that Buckingham had in view at this time another use for that new-levied, ill-paid, and worse-disciplined army. This we shall shortly see. For the present it is our business to observe to what extent the 'mask' was kept on, and the degree of regard really shown to 'parliamentary privileges.'

On the 15th of June, the day of the dissolution, a proclamation was discussed in council whereby the sheriffs were to be called to assemble the freeholders in their several counties to hear the act of dissolution read, and to take their votes for a voluntary levy of what the house *intended* to have granted. This was the regard to parliamentary privileges now to be paid.

Four subsidies and three fifteens would have been given by the commons, but for the disordered passion of certain members ; and now the king was to desire his loving subjects to be a law to themselves, and volunteer what it had been meant to enforce. Incredible as it seems, this course was actually adopted in several counties and cities.<sup>1</sup> In some the attempt was made even to levy the money as of right on the ground that parliament had so far consented as to frame the bill. Where, on the other hand, the proceeding by privy-seals was resorted to, or the forms of the old 'benevolence' were employed, the rate was still proposed to be made on the scale of the four subsidies. On similar pretences, order was issued under the great seal for levying tonnage and poundage, comprising all duties on exports and imports, which were alleged to be a necessary part of the revenue of the crown, and only not voted because of the dissolution. A commission was issued for extortion of fines under cover of improving crown lands ; and following this went forth another commission to force penalties against religious recusants in a manner that the most ardent puritan could not but account hateful. An immediate advance of a hundred and twenty thousand pounds was peremptorily demanded from the city of London ; which was also required, in common with other seaport towns, to furnish a certain number of ships and troops for the protection of commerce in the narrow seas.<sup>2</sup>

Hard upon all this came then a proceeding yet more desperate, which history has explained by connecting it with the profound emotion caused by Tilly's defeat of the protestant arms at Luttern, and by supposing that Charles had seized on that

<sup>1</sup> The documents are in the S.P.O. under their respective dates of the 15th of June and 7th of July.

<sup>2</sup> On a former occasion (*Grand Remonstrance*, p. 315) I have pointed out the importance of always keeping in mind that Whitelocke's *Memorials*, especially in the early portions, is a book never perfectly reliable, being a mere compilation by other hands from authorities for the most part worthless. The very same page containing the mention of the London ships adverted to in my text, makes the preposterous blunder of confounding that loan from London in 1626 under the pretence of guarding the seas, with Noye's invention of ship-money in 1634 ! And the Clarendon press edition of 1853 is published without a note to correct such manifest absurdities.

event and its consequences to excuse what before he had shrunk from. But this general forced loan, soon to be described, had no such excuse. Historians have overlooked the proof contained in our state-paper office, and now to be afforded, that already the king's attempts to raise money, in so far as they made appeal to voluntary efforts, had entirely failed. When he took the more extreme course, therefore, it was not from any hope that his subjects would think a forced loan excusable because of the extremity that had befallen a cause to which they were ardently attached, but upon his conviction, deliberately formed, that as the people refused to concede he had the right to compel.

The city of Bristol was the first to remonstrate against the plan of completing what parliament had left unfinished. It had undergone such great losses by the stoppage of trade with Spain, that it could not yield what was asked. The magistrates of Sussex next told the council that they had not been able to collect 120*l*. Everything had been done to move the people to voluntary gift; but they pleaded their poverty to be such as prevented them from giving in the way required, though in a parliamentary course they would strain themselves beyond their ability. The Earl of Devonshire and the justices of Derby wrote from Chesterfield to say, that the end of all their endeavours to raise a free gift in the county had been a return of twenty pounds and four shillings, to which the justices had added ninety-one pounds from themselves. The general answer had been, a denial to give anything unless by way of parliament; and there had not been forty givers in the whole county. The Leicester justices wrote from Loughborough to say, that their utmost endeavours had been used for a voluntary supply; but of the people most cried for a parliament, some pretended want, divers the pressure of other payments, and none would give. The Earl of Suffolk told Buckingham that he had assembled his county at Bury; and that they answered him they could not give, that the government did not protect them and they could not live, for that, before their faces, their ships were taken and fired in their havens, insomuch that they durst not look out of their ports. From East Dereham the Norfolk justices wrote to

the council, that they could not get as much as the proportion of half a subsidy; for the greater number had flatly refused. From Chelmsford the Essex justices protested their affection to supply his majesty; but they had ascertained the general desire to be that this should be done in a parliamentary way. The deputy-lieutenants of Devon addressed Francis lord Russell upon the hopelessness of having recourse to any kind of supply but that which from its antiquity and indifferency of persons would alone be tolerated by the subject. So, from Oakham, said the county of Rutland. So, through Wentworth's father-in-law and Henry lord Clifford, said the county of Cumberland. So, through the justices, said Northumberland. So, Westmoreland. From Alresford the justices of Southampton wrote that there was no hope of levying money in that county but by help of law. From Worcester the justices wrote that the county were ready for his majesty's service with their lives; but that they would not give in any other way save by subsidies granted in parliament, and not so much as twenty pounds had been subscribed. From Surrey Sir George Moore sent the same reply. From Wakefield the justices of the west-riding wrote to lord-keeper Coventry, that in answer to requests for eight hundred they had not received thirty pounds. From Newborough the north-riding justices wrote that whereas all were willing to give in a parliamentary course, seventeen pounds six shillings and eightpence was the entire amount they could now send; and they proceeded to describe certain districts as entirely too poor for any gifts, living at racked rents, their landlords not dwelling among them, hemmed in by water on one side and by great waste moors on the other, while the sea, which formerly brought them profit, was now so haunted with pirates that no ships dared pass, nor fishermen hardly ever ventured out. The east-riding justices grieved to have to send only good words and humble excuses, but they had had no offers. From Nottinghamshire the council were told that a few of the justices offered 70l; but that the people generally refused, otherwise than by the ordinary way of parliament. The justices of Herts informed the council that in spite of the most earnest persuasion and example, only some few people in two of the hundreds had yielded to give a few small

sums. As for the county of Bucks, the council were obliged to complain that the justices there had entirely neglected even to ask for a free gift. From Eliot's county the characteristic reply bore upon it his personal stamp. Writing from Truro the Cornish justices told the council that money was extreme scarce, and the county could not give in the manner asked; but if his majesty would be pleased to summon a parliament, the gentlemen would be ready, by sale of their goods or what else they had, to give satisfaction to the royal desires in such parliament; and as to the common people, they had ascertained that there was not a single parish which, if it had but two kine, would not sell one for supply of his majesty's and the kingdom's occasions in a parliamentary way.<sup>3</sup> It hardly needed Bagg's letter to Buckingham of something less than a fortnight before, to assure his grace that but for the activity of 'the Eliot faction' neither Devon nor Cornwall would have been overruled by ill example.<sup>4</sup>

The bulk of these answers had been given at the close of that month of August, on the 27th day of which Tilly won the victory that seemed for a time to imperil the very existence of Protestantism in Germany. The alternative, therefore, had already been presented to the English king, of raising money by the way of a parliament or by ways more desperate than he had even yet attempted. There cannot be a doubt that he had made his choice before his brother-in-law's extreme peril.

The truth was, that Buckingham's reckless and disordered vanity was now bent upon war with France. There was not a shadow of reason for such a war, to which every consideration of prudence and humanity was vehemently opposed; but it had for some time become manifest that the seizures of ships, and other affronts to the French court, carried with them the precise

<sup>3</sup> All these replies are in the state-paper office under the dates respectively, in the order in which the places are given in my text, of August 15th (Bristol and Sussex); 17th (Derby); 18th (Leicester); 22d (Suffolk); 24th (Norfolk); 30th (Essex); 31st (Devon, Rutland, Cumberland, Northumberland, Westmoreland, Southampton, Worcester, and Surrey); September 11th (West Riding of Yorkshire); 15th (North Riding); 22d (Notts); 23d (Herts); 29th (Bucks and the Yorkshire East Riding); and October 7th (Cornwall):

<sup>4</sup> S.P.O. Bagg to Buckingham. 22d September 1626.



design which Eliot had much earlier detected and denounced, and which formed the basis of his eager prosecution of the case of the St. Peter of Newhaven. Without provocation or excuse, and at the moment when dangers were imminent from a war with Spain at which the highest statesmanship, unsupported by parliament or people, might have shrunk dismayed, England was dragged into another war with the country whose alliance she had so lately courted, and by continued friendship with whom the protestant league, already made the scapegoat for so many sacrifices, could alone be maintained; and the poor weak king, powerless of help for his sister's husband, unsheathed the sword against his young wife's brother. The dismissal of Henrietta's French retinue was followed by graver insults to French commerce; secret emissaries from Rohan and Soubise were received; the man whose treachery had been so lately directed against Rochelle went into rehearsal for the part of her deliverer; and the great fleet that had been in alleged preparation for the Algerine coast, and against the Barbary pirates, was soon to take another destination.

In the absolute inability to find reasonable cause for this war with France, the historians have agreed to ascribe it to a motive on the part of Buckingham which would be incredible of any other person in history to whom the government of a nation had ever been committed. That he should be thought to have deliberately involved in hostilities two such countries as France and England, because Richelieu had interposed to his amatory attempts on the young French queen a bar to be only overlept by entering Paris with the privileges of a conqueror, may be accepted as at least decisive of the influence exercised by him, of the reputation he had achieved, and of the inconceivable weakness to which his dictatorship had reduced the king. Clarendon certainly believed it; Madame de Motteville vouches for it in all its details; and it is accepted by all the later historians except Carte, who is far from successful in trying to discredit it. Here however it suffices to state, that the war was actually entered on, and that the causes alleged for it were three. The first was the refusal to permit Mansfeldt's expedition to pass through France; the second was the recent capture of English

merchant ships; and the third was the alleged failure of promises to the huguenots of Rochelle. The first, if it could ever have been pleaded, had been condoned by the French marriage contracted subsequently; the second was only just reprisal for such outrages as Eliot had exposed in the matter of the New-haven ship; and the third was a mere dash for popularity, in too sudden and violent contrast with the surrender of Pennington's fleet to be entirely successful with the protestants of either country. Could the members of the commons, now returned to their various counties, have had more prompt justification of all they had suffered and sacrificed to break down the influence of Buckingham, than this unprovoked and wicked war?

Out of it of course arose one immediate and overpowering necessity. At whatever risk or cost, money must be had; and the so-called voluntary project having failed, a GENERAL FORCED LOAN was resorted to.

The proclamation went forth on the 7th of October. A sudden exigence was pleaded, and a promise given not only that the present measure should not be drawn into a precedent, but that a parliament should be called as soon as possible, and repayment made, out of the first voted subsidies, of all that was now advanced. The clergy were written to, and Instructions were drawn up by Laud to make the pulpits more available for plunder of the people, and to identify the church with the state in a conspiracy against their liberties. Commissioners were named in every county, with direction to take the last subsidy-book for their guide, exacting from each person in that precise ratio; and with a commission almost unlimited to deal with the refractory. Empowered to examine these on oath, and to require avowal not merely of the motive of their refusals, but of the names of their advisers, the commissioners were also to be armed with means more than inquisitorial of enforcing secrecy in regard to all questions and answers. While the notable scheme was hatching, Bagg smelt it out with the instinct of one of the fouler creatures, and, eagerly volunteering service, hastened to see what prey could be seized for himself and his friends.

He wrote to Buckingham on the 16th of October. He alludes in his letter to the benevolence, to its failure in that

western county, and to the ungrateful villain Eliot ; b<sup>o</sup>ounced, <sup>with</sup> contemptuously of the cry of the vulgar for a part the case, ' thinking that to be the way unto their ends and thei<sup>r</sup> or excus<sup>e</sup>. ' for his own part he grieves that already they have from a w<sup>it</sup>, <sup>and</sup> liberty, and declares that his heart desires nothing supported b<sup>y</sup> that his majesty's coffers should be full. After which, Englan<sup>d</sup> p<sup>ro</sup>pounds what is the pith of his letter. The success of the <sup>distance</sup> commission would greatly depend on its action being simultaneous in every part of the country, leaving no time for evil examples ; but above all,

' by a choice selecting in the several counties for commissioners such gentlemen as stand best affected to his majesty's service. And for your grace's better knowledge I have presumed to enclose a list of such in the counties of Cornwall and Devon, and amongst those in Cornwall to recommend to your most especial favour my noble friend —.'<sup>5</sup>

And then, of course, he drags forth once more the eternal Mr. John Mohun, who studies nothing so much, night and day, as to honour his grace, and to advantage his majesty's commands ; and if his grace would but hand over to him his majesty's affairs in that county, Bagg will be pawn for his wisdom in managing the same ; and, might it further be thought good to comply with Mr. Mohun's desire for ' an English honour,' Bagg has convinced himself that his grace's affairs and the business of his majesty would be thereby incomparably advanced.

Bagg's petition was received with favour, as we shall see, and his hints eagerly acted on. Not merely the selection of collectors for the loan, but much of the billeting of soldiers in the west, was put under his special charge ; and he set about both with a zeal that seemed hardly capable of additional relish

<sup>5</sup> S.P.O. Bagg to ' my lord the duke : ' from ' Saltram, this 16th Oct. 1626.' In proof that this abominable suggestion, of ruling everything in the counties by men chosen for their servility, found eager acceptance, I may quote a subsequent letter of Bagg's to the duke (29th November 1627) in which he dwells on the advantage of having ' a choice and a ' well-affected provincial government, which for the most part doth guide ' the affections of the people.' To what the people's affections should be guided, he explains in the same letter, as ' to glorify his majesty in his ' regal power, and to honour your grace his undertakings. And let not my ' soul enjoy his desired happiness if to the end I intend not both.' He signs himself the duke's ' most humble servant and slave.' Ms. S.P.O.

merchandise from personal hatreds. Yet this enjoyment he also drew from it. When he discovered, for example, some few months have been in the present date, that the homes of the poor people in a contracted all Cornish borough had not been turned into barracks for such out-<sup>er</sup> and hungry soldiers, he bethought him that this borough haven <sup>at</sup> as 'the town where Sir John Eliot lived,' and, straightway to communicating with the elder Drake, both of them wrote up to tell the duke's secretary that St. Germans, Eliot's town, by an extraordinary oversight, had been 'exempted from the taking' of soldiers.<sup>6</sup>

To this man, then, and to others as far as possible resembling him (Sir George Chudleigh and Sir Bernard Grenville, active in the commission against Eliot, were made his colleagues), the extreme powers of the state were committed for the furtherance of this forced loan; and in such hands no possible harshness was abated, nor any inquisitorial power unused. The church did her part, too, with slavish eagerness; incited not alone by Laud's political Instructions, but by a bribe which had earlier been given to her. Hardly had parliament been dissolved when the still growing influence of that too active zealot, raised then from St. David's to Bath and Wells, had declared itself in the ill-fated Manifesto against all innovation in the church's doctrine or discipline which was enforced by so many cruel star-chamber punishments. The church henceforward was to be unquestioned in her doctrine as well as supreme in her discipline, and puritanism was to be gagged and silenced. With double fervour pressed into the service of the loan, on all sides high-church pulpits echoed with the cry of the highwayman, improved into 'your money or your life eternal!' Under the Instructions, obedience without limit was preached on pain of everlasting damnation;<sup>7</sup> and under the Manifesto, penal conse-

<sup>6</sup> S.P.O. Drake to Nicholas, 14th Oct. 1627. 'Sir James Bagg told me,' Drake adds, 'that he had written to you of this strange business.'

<sup>7</sup> Prominent among divines who so preached were two, afterwards singled out for special favour, Sibthorp and Manwaring, whose sermons, condemned by the archbishop of Canterbury, were published by way of warning and example with the title of *Apostolical Obedience*, under license of Mountaigne bishop of London, not, as Lingard and all the historians have assumed, Laud, who was not bishop of London until a year

quences in this world promptly administered brought nearer what was threatened in the other. While the country was yet overrun with disbanded soldiers, new commissions for musters went out; and under the pretence of what was called martial law the most lawless outrages were committed and justified. The poor who could not or would not pay, were pressed into the army or navy; tradesmen were dragged from their families and flung into common prisons; and upon quiet humble homes, in the midst of wives and children, were quartered the remains of the disgraced and infamous troops that had survived the affair of Cadiz.

As to that humbler class of sufferers, history for the most part is necessarily silent; but a glimpse here and there sufficiently shows that the endurance and self-denial which now distinguished men of rank and wealth, were not less nobly evinced by the low-born and the poor. 'Nay, sweetheart,' wrote George Radcliffe<sup>8</sup> from the Marshalsea to his wife, eager to have him with her to eat his Christmas-pie at Overthorpe, 'now it shall be thought that I prejudice the public cause beginning to conform, which none yet hath done, of all that have been committed, except two poor men, a butcher and another, *and they hooted at like owls amongst their neighbours!*' An exception worth having in the rule it proves, and the picture it affords, of the poor confirming the rich in the example set by themselves.<sup>9</sup>

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later. Bishop Mountaigne's defence afterwards was that Laud had compelled him to give the license.

<sup>8</sup> 'To his right dear and loving wife.' 19th May 1627. 'God hath blessed us at Overthorpe with many comforts,' says the kind-hearted husband, 'and I hope in His mercy He will continue them. But they would scarce be comfortable if they should be held either with an unquiet mind, or with public infamy and shame.' Whitaker's *Life of Radcliffe*, pp. 148-150.

<sup>9</sup> Rushworth has described (i. 422) the numbers of men in humble life in the parishes within Westminster liberties who absolutely *refused to say they were willing to lend if able*. 'Whereupon the council directed their warrant to the commissioners of the navy to impress these men to serve in the ships ready to go out in his majesty's service.' Nor was this humble heroism confined to the metropolis or its neighbourhoods. 'The six poor tradesmen of Chelmsford,' wrote Lord Haughton to Wentworth, 'stand out stiffly, notwithstanding the many threats and promises

Most promptly had it been set. The new commissions were in operation early in November 1626, and before the end of that month Rudyard wrote to Nethersole that a great blow had been inflicted on the design by the determined refusals of Lords Warwick, Essex, Lincoln, Clare, Bolingbroke, and Say. From that day resistance went on. Early in January, the commissioners for the loan at Northampton reported that a combination of twenty-two of the principal gentry had carried against it more than half the shire.<sup>10</sup> Throughout that and the following month, 'no' rang incessantly from all parts of England. Printed copies of the remonstrance of the parliament were everywhere dispersed, in defiance of the king's proclamation ordering it to be burnt. At the close of January, Mr. Hampden was bound in a five hundred pounds penalty to answer at the council-board.<sup>11</sup> In the next month, Philips, Wentworth, Erle, Strangways, Grantham, Luke, Hotham, Knightley, Barnardiston, Grimston, Corbet, Coryton, and Eliot were successively reported to the council. 'I hear there are more of you sent for,' writes Denzil Holles, himself a recusant, to his brother-in-law Wentworth; 'fourteen out of Yorkshire, eight out of Cornwall, *cum multis aliis quos nunc perscribere longum est*; or rather *quos non proscribere longum est*, for that is the English of it.' In the middle of March sixty-eight refusals were sent up in a batch from one district in Lincolnshire, where the people also attacked the house occupied by the commissioners. The northern parts resisted almost from end to end. Shropshire, Devonshire, and Warwickshire 'refused utterly.' And at last the council-table were startled by hearing that in more than one county the very

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'made them, which made one say that honour, that did use to reside in the head, was now like the gout, got into the foot.' *Strafford Despatches*, i. 38.

<sup>10</sup> S. P. O. The commissioners to the council. 12th January 1626-7.

<sup>11</sup> *Ibid.* The bond bears date 26th of January 1626-7, and had been indorsed at the council-table by Lord Holland and the Duke of Buckingham. Hampden already was a marked man. 'I do think,' wrote one of the deputy-lieutenants of Bucks on the occasion of the privy-seals going out for the Cadiz expedition, 'I do think Mr. John Hampden to be 13*l.* 6*s.* 8*d.* and his mother 10*l.* is a harder rate than I find upon any other.' *Verney Papers*, p. 120.

commissioners appointed to collect the loan had themselves refused to pay it.<sup>12</sup>

Meanwhile Buckingham went desperately forward. Bent upon the war, into which he had plunged so madly, and by which already he had broken-up the league whereon he and his creatures had built hitherto their whole defence for all the misgovernment of the reign, he applied everything wrung out by the loan, which notwithstanding these drawbacks was not inconsiderable, to the naval preparation in hand; and to all advice or complaint he replied only with fresh outrage. By way of punishment to Wentworth, he gave old Savile the promotion to which his service in the last parliament, and his present submission, well entitled him; and hounded him on to acts of tyranny in Yorkshire. He wrote with his own hand to members of the peerage, warning them of the consequences of refusing to lend. He travelled himself through Buckinghamshire and Bedfordshire to endeavour to overawe refusers.<sup>13</sup> Upon suspicion of having spoken against it in Leicestershire, he flung his old friend the ex-lord keeper into the Tower; and, for refusing to license Sibthorp's sermon, he suspended archbishop Abbot.<sup>14</sup> But while individuals thus were singled out, whole counties waited to be dealt with; and the council-table were fairly at their wits'end as the struggle still went on.

The first step taken was to remove the principal recusants into confinement in counties away from their homes, from which they were to be ultimately brought up in batches to the council-

<sup>12</sup> This happened in Essex (19th Feb. 1626-7), in York (25th Feb.), and other places. All the facts stated in the text are from letters or papers in the S. P. O.

<sup>13</sup> S. P. O. Buckingham to Henry earl of Northumberland. 1st of February 1626-7. Letter to Mede, January 26, 1626-7.

<sup>14</sup> Laud thus drily records the suspension: 'July 4 (1627). The king 'lost a jewel in hunting, of a 1000*l.* value. That day the message was 'sent by the king for the sequestering of A. B. C.' It is always to be remarked of superstitious people that they are never able to turn their superstition to good use. If Laud had bethought him to put this and that together, the lost jewel and the suspended archbishop, he would for once have read truly the conjunction of the planets, and might have taken warning against the dangerous elevation that awaited himself. Already (*Diary*, 2d Oct. 1626) he had exultingly recorded the king's promise to him 'in case the A. B. C. should die.'

board, and remitted thence on continued contumacy, according to their degrees of offence, back to their former confinements, or to various London prisons. Thus for the present the Yorkshire gentry were sent into Kent, the Dorsetshire into Bedford, the Londoners (chiefly recusant aldermen) into Lancashire and Yorkshire, the Lincolnshire into Dorset, those from Suffolk and Cornwall into Sussex and Somerset, the Northamptonshire men into Southampton and Wiltshire, the Essex men into Northamptonshire, and the men of Bucks into Hampshire.<sup>15</sup> But with the second step of bringing up the refractory to Whitehall the real difficulties began. It might not be dispensed with, because the wavering were to be brought to submission by the terrors of the council-table; but it was found impracticable. Such numbers were brought up as at once to stop all business, and nothing could be done. The prisons filled, yet the crowded passages to the council-board were not emptied. As many as two hundred of the leading gentry of England, Radcliffe tells us, would be in attendance three days a week for as many as five or six weeks incessantly; unable to get their hearing. At last it was discovered that there must be limits to putting the majority of a nation into prison; selections had to be made; and power was fain to be content if, in the cases it was able to reach, its arm might be felt the more heavily.

Bagg had reported Eliot as a recusant as early as the middle of October 1626, yet not until the beginning of June in the following year was he finally deposited in the Gatehouse. On the 23d of May the duke's man exultingly informed the duke that Eliot was at length gone with Coryton to London 'now or 'never to receive his reward,'<sup>16</sup> and on the 27th of the follow-

<sup>15</sup> S. P. O. Lord-president Manchester to the king, 4th July 1627. Lists will be found in *Rushworth*, i. 428. The great object was to send them generally as far as possible from their homes. I find a letter of Lord Conway's to the lord-president (S. P. O. 5th Sep. 1627) desiring him to examine whether any of the refusers of the loan be placed with their kindred or friends? If there be, he is to remove them.

<sup>16</sup> Ibid. Bagg to Buckingham, from Plymouth. In the same letter he puffs off what he has been doing for the duke 'by myself and without 'the help of Sir John Drake: let him receive the reward of his own: 'mine deserves nothing from your grace, for to you I am indebted by 'leave and what I am.' There is also an allusion explaining one cause



ing month Buckingham, leaving his most active enemy so lodged in a London prison, sailed for Rochelle.

# VI. *The Expedition to Rochelle.* æt. 34.

The conspiracy against Eliot thus far had in one respect been successful, that, failing to reduce him to beggary, it had forced him to put on its appearances. Between the winter of 1626 and the summer of the following year he had been compelled to resettle both his personal and real estates, and assign them over in trust from his own keeping. Upon the act depriving him of his vice-admiralty, and dividing it between the men who have since been seen quarrelling incessantly over the spoil, such a step had become necessary for protection of his wife and children. Thus, when attachments were obtained against him from the admiralty-court in the spring of 1627, it was labour lost to attempt to serve them at Port Eliot; nor will any attempt to serve them at the Gatehouse be likely to prove more successful. What use was sought to be made of this by his enemies we shall shortly see. He made further necessary changes in the legal trust on the death of his wife, and afterwards on that of his father-in-law: and we shall find him, during his last captivity, devising fresh arrangements 'for the manage of that ' poor fortune which through the envy of these times I may not ' call mine own.'<sup>1</sup>

While yet Buckingham paused before his great venture, and Bagg had to wait another month before reporting that his principal opponent was 'laid by the heels,' there were other things beside his fortune that this 'envy' grudged Eliot for his own. His movements were watched, his footsteps dogged everywhere; and upon arrival of Lord Warwick in Plymouth, where Eliot then was, repeated reports of espial as to both were made

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of the delay in bringing Eliot before the council-table. 'I doubt not but ' the commission for Eliot is amended.' He further gratifies his mean nature by assuring his excellence that Eliot, Coryton, and Sir Fernando Gorges 'were the only men that gave service and visit to the Earl of Warwick, *who little loves your grace.*'

<sup>1</sup> Port Eliot mss. 28th February 1630-1.

to the duke and his secretary. There was little to tell, for Eliot's friendship with Warwick was as notorious and little disguised as the duke's own intimacy with Warwick's brother, Lord Holland; but these were days when men could not meet as friends, if hostile to Buckingham, without being suspected as conspirators, and Warwick's present patriotic purpose of serving against Spain, which the government had not dared to resist, had in no respect abated the animosity provoked by his refusal of the loan. Here was Bagg's welcome to an earl who had come to Plymouth in command of an expedition for the service of his country, and was about to sail with it as its admiral.

'His lordship's resting place,' he informs his most gracious lord, 'is at the house of one Jennings, Eliot's friend; and his lordship's invited familiars, as soon as ever he put foot ashore, was that pattern of ingratitude Eliot and malicious Coryton; which two are associated with a man no less true to his friend Sir Fernando Gorges.<sup>2</sup> All which seems to be reputed his lordship's bosom friends; and the true reporters of his lordship's little affection to his majesty's service, and greater to your grace's enemies.' Expressing then his much disquiet at the delays interposed to the report of the Cornish commissioners for the loan, he declares his belief that 'it will now be shortly sent, and then I hope his majesty will be pleased to make those that thus disaffectionately disserve him examples for times to come. I particular to your grace thus much because you may discern the lord of Warwick's ways, which breeds much wonder in these parts, that he elects and invites *those* to be his friends!' He closes with characteristic assurance that he will be watchful as a spy upon his master's enemies, and faithful as a servant in obedience to his master.<sup>3</sup>

That was on the 20th of April. Six days later the same worthy wrote to his 'beloved friend' the duke's secretary, to tell him that 'the Earl of Warwick and Eliot still consort;' and

<sup>2</sup> See ante, p. 194, &c.

<sup>3</sup> S.P.O. Bagg to 'his excellence my lord the Duke of Buckingham, Plymouth, 20th April 1627.' Endorsed by the duke: 'R. 24th April. Earl of Warwick arrived there 19th, and consorteth with Eliot and Sir Fernando Gorges.'

in connection therewith, 'that Sir John Drake's collector, Mr. Jennings, the lord of Warwick's servant and Eliot's right hand, 'now shows himself and his regard to the duke.' To the duke himself he wrote, the same day, to inform him that 'the Earl of Warwick and his friend Eliot are still together, and still walk 'in the way they entered.'<sup>4</sup> Three weeks afterwards he sent another like report; with ~~new~~ scandal as to 'Sir Fernando Gorges's ways not straight to serve your grace,' and with intimation that he should himself be in waiting on his grace's arrival at Portsmouth.<sup>5</sup> On the 25th his grace arrived; and, when three days had passed, Bagg's worthy and beloved friend at the admiralty was made acquainted with what chiefly had been the subject of the conference.

Eliot, it will be remembered, was by this time in the Gatehouse; and the duke and Bagg, at this last interview, had been resettling the magistracy of the county, so that Eliot's leading friends should be put out of the commission. Some months before, the office of vice-warden of the Stannaries, a place of much influence and power in Cornwall, had been taken from his associate Coryton, and given to Bagg's great friend Mohun. Another friend was now to be 'outed' of his deputy-lieutenancy. And finally, order of council was immediately to come down, to send for all gentlemen of the county that refused to lend. 'His grace,' Bagg writes up to Nicholas, 'is very desirous to have 'this done, and I know it will tend much to the advantage of 'his majesty's service in these parts, and make these western 'people sensible that Eliot and Coryton do not only lie by the 'heels for my lord's sake.'<sup>6</sup> In other words, it was the lord-admiral's last wish before he sailed to blunt the suspicion he was conscious of having raised, that personal animosity, and not the public service, had prompted his proceedings against Eliot.

Buckingham left Portsmouth on the 27th of June with a fleet of a hundred sail, of which between forty and fifty were

<sup>4</sup> S. P. O. Bagg 'to my worthy friend Edward Nicholas, esq. &c. Plymouth, 26th April 1627;' and, same date and place, to 'his grace my 'most gracious lord.'

<sup>5</sup> Bagg 'to my lord the duke, Plymouth, the 17th of June 1627.'

<sup>6</sup> S. P. O. Bagg to Nicholas, from 'Hampton, this 28th June 1627.'

ships of war. The land army that accompanied him numbered nearly seven thousand men, and included a squadron of cavalry and a considerable body of French protestants. Not many officers of repute went with him; but of these the most distinguished were Sir John Burroughes, Sir William Courteney, and Sir Henry Spry;<sup>7</sup> men who had served in Elizabeth's Flemish wars. There was however, says Clarendon, hardly a noble family in the kingdom that had not contributed to the enterprise a son, a brother, or some near kinsman; and among the many applicants for a company who had not succeeded in their quest was one Mr. John Felton, a gentleman of morose disposition, 'formerly lieutenant to Captain Lee,' who turned away upon his rejection with a sore grudge against the general.<sup>8</sup>

After not many days the ships appeared before Rochelle; but so ill had their commander prepared that gallant people to receive him as their deliverer, that the very extent of his armament alarmed them, and they refused him admittance to their harbour. Nor, when it is remembered that the last heavy blow inflicted on them before their late enforced peace with the French king, had reached them through Buckingham's treachery, can it be thought surprising that they should have hesitated, at such a sudden bidding, to raise the standard of revolt once more. Soubise had sailed with the duke, and, with an English nego-

<sup>7</sup> Of these three, only Courteney may be said to have survived. Burroughes was killed, and Spry died of grief in the month following his return. 'Though I am returned safe,' said the brave old man to his wife, 'my heart is broken.'

<sup>8</sup> Clarendon (i. 43) describes Felton as 'lately a lieutenant of a foot company whose captain had been killed upon the retreat at the Isle of Rhé, upon which he conceived that the company of right ought to have been conferred upon him, and it being refused to him by the duke, he had given up his commission,' &c. This, however, does not seem to be accurate. Lists of officers suggested for employment in the expedition are in the state-paper office under date of June 1627; and Felton twice appears, as 'much recommended by Sir William Uvedale,' and again as 'recommended by Sir William Becher;' but there is no evidence of his having joined the expedition. On the other hand, he had certainly not left the army when he conceived his design against the duke. Before quitting for Portsmouth he told his mother that he was going to try to get his arrears of pay as lieutenant; at the same time complaining, 'that he had been twice put by a captain's place.' Exam. of Eleanor Felton. S.P.O. Aug. 30, 1628.

tiator, Sir William Becher, was received secretly into the town; but the limit of the success of those envoys was expressed in the proposal with which they returned to the fleet, that Buckingham should show his sincerity by some action not immediately committing the town to hostilities, which would meanwhile lose no time in appealing to the other churches of the union, and would join him in the event of success. Buckingham closed with this proposal; and upon the suggestion of Soubise, confirmed by the approval of Burroughes and Courteney, it was resolved to make descent upon the island of Oleron. It was less rich than that of Rhé; but it was nearer to Rochelle, and was more weakly garrisoned.

Soubise returned to the city, and was yet busy arranging with his brother Rohan the proposed appeal to the churches, when he heard that all had been suddenly altered, and Buckingham had ordered a descent upon Rhé. Tempted by the chance of greater plunder, and heedless of the warning of his few experienced officers, he landed fifteen hundred men; effected a descent, his troops showing great bravery; left in occupation of the enemy in his rear the small and apparently insignificant fort of La Prée, which he could not be made to understand might prove of the greatest consequence; marched his army on to the principal town of St. Martin's, which at last he reached and occupied, but not until so much time had been lost, and such ample warnings given, that its governor had meanwhile conveyed into the castle of St. Martin's all its wine and provisions; and then saw before him, bristling with preparations for a resolute defence, this almost impregnable fortress situated on a rocky eminence at the bottom of the bay.

At this point Burroughes and Courteney again interfered, pointing out the danger of investing such a place in such circumstances, with the certainty of a formidable force meanwhile gathering against them. This counsel was rejected in terms that forbade its renewal, and the place was invested in form; trenches dug, batteries raised, and a boom thrown across the entrance of the harbour. A manifesto was also issued by the duke, on the day when these works were completed, vindicating the objects of the expedition; declaring that his master had

taken up arms not as a principal but to help the French protestant churches ; and that, the terms of peace which the English sovereign had mediated between his brother of France and the huguenots having been broken, an English fleet was there to vindicate the rights and liberties of conscience.<sup>9</sup>

Great, meanwhile, was the dismay of those who had really under that sacred flag rallied to the side of England, for the safety of Protestantism and the Palatinate. The King of Denmark deserted at his utmost need, and the states of Holland exposed to irresistible assault by this reckless quarrel of the two greatest powers of the union, both made vehement and unavailing remonstrance. Charles received their envoys coldly. He should not seek, though he would not refuse, a reconciliation. That was the only answer he vouchsafed ; and he proceeded to show his eagerness for the hare-brained enterprise by resorting to all mad expedients for forcing on the loan, and by complaining of the backwardness of his council as a personal wrong to Buckingham. In the sixth week after the ships set forth he wrote to his treasurer and chancellor, Marlborough and Weston, that he *must have* more money to supply them.

‘ If Buckingham should *not* now be supplied, not in show, but substantially, having so bravely, and I thank God successfully, begun his expedition, it were an irrecoverable shame to me and all this nation ; and those that either hinders, or, according to their several places, furthers not this action as much as they may, deserves to make their end at Tyburn, or some such place. But I hope better things of you.’<sup>10</sup>

To hope better things than Tyburn for two great ministers was to indulge no very sanguine expectation ; but the ministers themselves, while protesting that no effort to get money should be spared, were fain to reply as if Tyburn itself might be preferable to the weary labour of overcoming the repugnance to the loan.

Conway and Bagg, writing in this interval to the duke and the duke’s secretary, were, in the way of profession at least, making up for all shortcomings. To the duke, Conway was confident that victory would render him in the eyes of all the

<sup>9</sup> The manifesto will be found in *Bibliotheca Regia*, pp. 224-9.

<sup>10</sup> S.P.O. The king to lord-treasurer Marlborough and to the chancellor of the exchequer, from ‘ Woodstock, the 1st of August 1627.’

world the most glorious subject upon earth ; and to the duke's secretary, Bagg conveyed his express conviction that the duke would return with glory and victory, for both of which Bagg was as constantly praying as for the safety of his own soul. Conway begged of the secretary to encourage Bagg for his entire love and duty to the incomparable duke ; and Bagg prayed of the duke to contrast such services as the noble Conway's, ready to carry his hand all over the world to do service to his grace, with the ways of men like Warwick, only warm to countenance offenders.<sup>11</sup> 'No fear of a parliament,' wrote the duke's secretary at the same time to another correspondent. 'I wonder who should give out that there is like to be a parliament. There is no sign of any likelihood of one !'<sup>12</sup> Such was the fool's paradise at home.

While it was thus enjoyed, ten weary weeks of the siege of St. Martin's were passed away without a single advantage gained to the besiegers. Many valuable lives had been lost in repulses from the walls ; provisions began to fail in the English camp ; and a gloom was settling over the scene. Buckingham's spirits, on the other hand, seemed to rise with disaster. Professing the most exalted esteem for 'choice and illustrious souls,' he volunteered to his enemy euphuistic courtesies after fashion of the French grand romances that were shortly to come into vogue. He dispatched laboured compliments to the governor of the fort, to which the governor, known better afterwards as Marshal Thoiras, replied in yet higher flights of polite phraseology. Buckingham sent melons to Thoiras, for which the bringer was rewarded by twenty silver crowns. Thoiras sent pots of orange-flower water and boxes of perfume to Buckingham, and the lucky bearer received twenty gold jacobuses. So that the saying at

<sup>11</sup> The perpetual insinuations against others in the letters of this man show all the instincts of an evil nature. He can never recommend himself without detracting from some one else. If on the one hand he professes himself 'servant and slave to none but his grace of Buckingham,' on the other we are sure to have some such addition as that 'Sir Fernando Gorges is more and more the Lord of Warwick's and of the Eliot faction, and not to be trusted.' There is hardly a letter of his in which some trait of this odious kind does not present itself.

<sup>12</sup> S.P.O. Under dates 5th and 17th of July, and 3d, 14th, and 16th of August 1627.

last went freely about among the English officers 'whatever else may be in earnest, surely this war is not.'

On the latter point the Frenchmen were soon to undeceive them. In the eleventh week of the siege, when, under cover of those high-flown interchanges of courtesy, there was in progress a pretended capitulation induced by alleged pressure of famine, a flotilla of twenty-nine small craft stole over from the mainland in a dark night and favourable wind, passed unseen through Buckingham's hundred sail, broke the boom, and re-inforced and victualled the fortress. With this passed away all further hope of reducing it except by direct assault.

Once more Burroughes remonstrated. Better even then, he pointed out, retrace their steps, and fall back on Oleron. The appeal of Rohan and Soubise had been successful; the flag of revolt had been once more raised at Rochelle; and if they husbanded their forces now, all was recoverable. But again this counsel was rejected; and not many days later, while the brave old man was directing an operation with a view to the proposed assault, a French bullet relieved the duke from that wise but unwelcome counsellor.<sup>13</sup>

Yet not without further remonstrance was the rash assault to be made. So strenuous was the protest of Sir William Courteney, backed by a paper signed by all the colonels, that at last the duke began to waver. But his irresolution was worse than his obstinacy. One day he would order a cannonade, and the next direct the batteries to be dismounted. He pleaded afterwards the pressure that was put upon him by Soubise, who had just rejoined him with forces from Rochelle; but the truth was that he was as little capable of the timely retreat which his own officers advised, as of the instant and daring assault which the huguenot leaders were eager for. No better description of him at the time exists than that which Denzil Holles wrote to Wentworth.

'Nothing but discontents betwixt the general and the most understanding of his soldiers, as Burroughes, Courteney, Spry; everything done against the hair, and attempted without probability of success. There

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<sup>13</sup> His body was brought over to England with much honour, and had a public funeral in Westminster-abbey.



was no hope of mastering the place from the very beginning. . . . Yet for all this the duke would stay, and would not stay; doing things by halves. Had he done either, and gone through with it, possibly it could not have been so ill as it is.'

Of an intensity almost unexampled was the interest with which news was meanwhile waited for in England. Nobody out of the court looked for good news, but at court nobody dared to think bad possible. Every day brought its fresh report. The triumphant capture of the whole island was twice announced to Conway and Nicholas in letters of frantic joy from Bagg, and the ink of his letters was scarcely dry before wounded officers and stragglers came back to tell the bitter truth. Conway's son was among them, and his wound appears to have distressed his father less than his having taken part with Burroughes and Courteney in advising against the duke's plans; the gracious and brave duke, the faultless general, the very embodiment of virtue, genius, and courage! So Conway echoed the king, and in such tone and temper the order was given for instant reinforcements of ships and men. As many as fifteen hundred soldiers were got off to him at once, and it was settled that a further auxiliary expedition should sail to his relief under Lord Holland; when, upon the want of money for its equipment interposing delays, the king chafed and fretted like a child. He singled out by name at the council-table those whom he suspected of backwardness, and threatened them with his displeasure. He wrote to Buckingham of reinforcements in language of affectionate encouragement, and told him that all who fell from him in that hour of trial he should esteem as enemies to his own person. Yet, even under this pressure, the most obsequious of the councillors did not dare steadily to out-face what now with a terrible plainness had been declared as the people's settled determination. *Without a parliament they would not give.*

The stubborn fact was not to be denied. Sir Humphrey May wrote out to implore the duke not to make his designs too vast. The malevolency of the parliament had done him no harm, but in very truth the country was extremely poor. Let his grace be satisfied, however, that no man would be

wanting to him, and that everything possible would be done; for the chancellor of the exchequer, in anything that concerned him, was not a spark but a flame. At the same time Wimbledon, telling him of his dangers at home, sent him frank as well as shrewd counsel, to decide at once to quit, if he could not take, the fortress, and to turn his attention to Rochelle. Bagg sent him word of how bravely the commission against Eliot went on; and, declaring that Bagg's grave should witness his fidelity, that the safe return of his grace's person was 'more dearer' to Bagg than children, wife, or life, and that in every circumstance and condition Bagg should be his excellency's 'humble bounden 'servant and perpetual slave,' was yet unable to conceal under all this profuse profession Bagg's secret terror at such a possible calamity impending as a general failure of supply, which would make a famine in his own purse as well as the duke's. Laud's letters have not survived: but the conflicting entries in his diary day by day show the agitation of his mind, from the first news of the capture of Rhé when he dreamt that he lost two teeth, through the varying second, third, and fourth arrivals of darker news; deepening, from the first fear of ill-success, into that sad assurance of certain failure which brought with it the vision of another parliament, and the warning that some would have to be sacrificed, and he as like as any. One letter only made no pretence to conceal the truth. The duke's agent in Westminster, Sir Robert Pye, told him that affairs were well-nigh desperate; and that the one indispensable condition of safety for them all was, that an immediate stop should be put to the loan.<sup>14</sup>

It was, indeed, high time. The spirit and temper of the country were daily rising. Five gentlemen imprisoned for refusing to lend, intimate friends of Eliot, had brought their habeas corpus, and appealed to the laws. Eliot, from his prison, had petitioned the king; and, printing his petition,

<sup>14</sup> S. P. O. These various letters are under dates 24th and 26th of August; the 3d, 11th, 21st, and 28th of September; and the 7th and 11th of October, 1627. The only other plain speaker besides Sir Robert Pye was Buckingham's mother, who, frankly telling him that every man seemed groaning under the burden of the times, implored him urgently to return, to live in peace, and not to tempt his fate to a bloody end.

had appealed to the people. Holland still delayed his departure. He had got but as far as Portsmouth, on his way to the duke, when angry winds had stopped him; and he was now vainly trying to soothe the more angry king by protestation of the fortunate service he hoped yet to render to his majesty's noble servant and his own dearest friend.<sup>15</sup>

Then suddenly again broke forth conflicting rumours from Rhé itself. A report of Holland's having sailed had gone out to the camp of the besiegers, and false news of success was bruited once more. Now the citadel had fallen, and now it was to hold out only three weeks or a month longer. This was a brief delusion. Its close is marked by a letter from Conway to the attorney-general, telling him that the king is no way discouraged by the news from Rhé, but wishes it not to be divulged.<sup>16</sup> Four days later, two letters from Rhé among the papers of Nicholas tell us what that news had been. The secretary would be sorry, said the first, when he knew the character and extent of the wants of the men. If Holland made not speedy appearance, they must truss-up bag and baggage. Winter was coming on; the trenches were insufferable in the wet and cold; and the misery was extreme. None in England, exclaimed the second of these letters, could have a conception of their wants out there. They should have left, but for expecting Lord Holland. They had been looking for him, they had been watching from the tops of houses for a first glimpse of his sails, until they had strained themselves blind.<sup>17</sup> To the last they looked in vain; for on the day when Holland left Portsmouth harbour, the remains of Buckingham's shattered fleet were straggling back to the English coast. Those letters had arrived in London at the close of October; and early in November the great blow fell on the court. It was then known that the long-threatened attempt had been made, and repulsed with heavy loss; but the details of the assault, and of the yet more disastrous retreat, were still to be ascertained.

Sir William Courteney was a friend of Eliot's; and eight

<sup>15</sup> S. P. O. 17th Oct. 1627.    <sup>16</sup> Ib. Conway to Heath, 12th Oct. 1627.

<sup>17</sup> Ib. 16th Oct. 1627. Letters of William Bold and William Lewis.

months later, after dinner at his house in Cuddenbeck, told him what had immediately preceded the assault. Eliot's pencil-note of the conversation on that afternoon of the 8th of July 1628, has by a strange accident survived among his papers; and with much pains I have deciphered it.<sup>18</sup> To the very last the duke was undetermined. Only the second day before the final order was given, one of his special creatures, Sir William Balfour, was sent into the citadel, and treated there with particular courtesy. Nay, the very day before, there came a person out of the fort, and treated privately with the duke for two or three hours. Yet, only three days before, Courteney himself, with others, had advised the duke against the assault; and had desired that at least, if it might be attempted, his grace should not speak of it in so public a manner, that thereby the enemy might get intelligence. 'This,' says Eliot's pencil-note, 'was the third day before, and yet the second and the last *ut ante*.' There is, in short, no doubt that the independent officers in the camp did not believe that Buckingham had any serious public design at all, or was there in furtherance of any. Right or wrong, the conviction had taken possession of them that he had only private objects in view; and that, as he could induce the Frenchmen to favour these or otherwise, he was ready to go or stay, to sacrifice or save his men. In this very conversation at Cuddenbeck, Courteney told Eliot, that in the course of one argument he and the duke had had together, upon supporting his own advice against the stay by pointing out the great charge the keeping of the island would involve, supposing it to be taken, the duke had let fall the remark that his meaning was not to take it. The same absence of consistency or design appeared also at the time of the colonels sending in their round-robin to counsel a return; upon which Buckingham had actually so far taken the resolution to break-up the siege, as to have dispatched letters to England to that effect; when unexpectedly, on the return from Rochelle of another of his creatures, Colonel Dalbier, whom he had sent upon some secret communication, he 'presently, upon advice with him, altered his purpose, and de-

<sup>18</sup> Indorsed by Eliot, also in pencil, 'Sir William Courteney's description at Cuddenbeck. After dinner, 2d July 1628.'

'terminated to stay.'<sup>19</sup> He thought he could outwit the Frenchmen; and not until he had fairly lost in that game, did he order the assault. It was too late. He was repulsed at every point; and there was nothing left to him but speedy retreat.

Here, as everywhere, the evil spirit prevailed. Not only might the retreat have been effected with comparative safety, but the ships might have brought off spoil in compensation of the losses suffered, if there had not been the grossest misguidance. Between the camp and the ships marshal Schomberg had brought-up his forces, and behind them Gaston of Orleans had commenced the blockade of Rochelle. Yet Schomberg's landing might have been obstructed, and the English retreat protected, but for the first neglect of the small fort of La Prée, since become a formidable barrier. Now the only means of escape lay along a narrow mound or causeway, among deep salt-pits or marshes, terminated by a bridge connecting Rhé with a small adjoining island. Once across that bridge they were safe and in communication with their ships. The causeway also, thus leading across the marshes to the bridge, was narrow, admitting of not more than six or eight to go in front; and for that reason, if properly guarded, might have been held by a few men against a million, whilst the bridge, gallantly defended, would have proved an ark of safety. 'In the retreat,' says Eliot's pencil-note of what he had learnt from Courteney, 'Sir William Courteney and Sir Francis Willoughby offered to go before to the bridge, and view the passage, and make it safe; which would have secured all the troops. But this might not be suffered, for others were to be thereon only trusted and employed.' The consequences were disastrous in the extreme. No sooner were the English exposed on the broken and narrow ground of the causeway than they were furiously attacked in the rear, and thrown into irrecoverable confusion. The English cavalry came up, and 'to save themselves which yet they could not do,' broke in and trampled down their own infantry, and rendered vain all further resistance. No word of command was heard. Each man shifted for himself. Buckingham kept in the

<sup>19</sup> Eliot's pencil-note.

rear, the post of danger in retreat, but courage was the only quality he showed. His troops were pushed by hundreds into the marshes and salt-pits. Without help of an enemy, says Clarendon, noble and ignoble were drowned or crushed to death. No man, said one of the serjeant-majors to Denzil Holles, could tell what was done, nor give account how any other man was lost, not the lieutenant-colonel how his colonel, or the lieutenant how his captain, no man knew how any other fell. 'This only,' Denzil adds, 'every man knows, that since England was England it received not so dishonourable blow. Four colonels slain, and, besides the colours lost, thirty-two taken by the enemy. Two thousand of our side killed, and I think not one of theirs.' Not more than half the English force were able to reach their ships.

Buckingham landed at Plymouth in the middle of November, his shattered fleet passing the Holland reinforcements, which were then just clearing the western coast. He threw Bagg into delirious joy by spending the night of his landing at his house at Saltram, from which the next morning, followed by Bagg's prayers and protestations that children, wife, and life were nothing in comparison with him,<sup>20</sup> he moved by rapid stages to London. Even thus, so hateful was he become, he did not pass without danger; which his gallant young nephew who rode with him, Lord Denbigh's son, would have taken to himself by exchanging cloaks; but the duke, always personally brave, put aside kindly the loving offer, and for this time rode safely on. The king received him with an affection that had risen with the popular discontents, and with phrases of admiration only short of Bagg's own. The failure was not his friend's fault, but that of those who had not properly supplied him. On the 20th of November, Conway wrote from Whitehall to his son Edward that on the previous day, at a full council presided over by the

<sup>20</sup> Most characteristically in this same letter he renews his suit for a peerage for Mohun, and once more presents him and Sir Bernard Grenville to the duke's recognition, as two men who had, in his absence, best served him in council against Eliot and his faction. 'I know,' he adds, 'they will put down their lives and fortunes to your feet. And Mohun, in a lordlike way, will best be your servant.' As for himself, he is the duke's '*perpetual slave*, JAMES BAGG.'

king, the duke had so described his expedition and so commended the good and bold actions, the sufferings and patience, of the private soldiers, as to have drawn forth upon himself the loudest applause. Two days later, one of the newswriters informed Mr. Mede of a very different kind of admiration breaking forth in the same neighbourhood at quite other speakers and speeches. 'The gentlemen's counsel for habeas corpus, Mr. Noye, 'Serjeant Bramston, Mr. Selden, Mr. Calthorpe, pleaded yesterday at Westminster with wonderful applause, even of shouting and clapping of hands, which is unusual in that place.'

Other unaccustomed sounds were also become audible, which at first the court believed themselves able to suppress by a few star-chamber punishments. But they quickly saw their mistake. The effects of *this* overthrow, says a witness not unfavourable to Buckingham,<sup>21</sup> did not at first appear in whispers, murmurs, and invectives, as the retreat from Cadiz had done, but produced a general consternation over the whole face of the land. Clarendon does not expressly add what it was that so universally inflamed the popular sense at that second great disaster, and led to the cry for a parliament which proved irresistible; but a brief glance at what had passed at home while those disgraces were undergone abroad, will make it intelligible. Even from his prison of the Gatehouse, Eliot had been able to make himself heard.

#### VII. *Eliot in the Gatehouse.* æt. 34.

Eliot had been lodged in the Gatehouse in June. Brought before the council-table, and refusing to make other reply than already he had made in his county, he was remitted to that prison, and remained there during all the months of the disaster at Rhé, and of the closing efforts of Bagg and his confederates in the west to effect his personal ruin.

Others similarly brought before the table had varying fortunes, severally displaying for the most part very various tempers. Sir Dudley Digges used language to some of the councillors that was thought unbecoming, and had to pay for it by

<sup>21</sup> Clarendon's *Hist. of Rebell.* i. 66.

imprisonment in the Fleet; but a submissive petition availed shortly to release him. Sir Walter Erle, incurring equal disfavour but having less than the same humility, after two disregarded petitions remained still in the Fleet.<sup>1</sup> There, too, Mr. Knightley was sent for refusing to make submission on his knees for language spoken at the board. And there went another Northamptonshire man, not otherwise known to us, Mr. George Catesby, who patiently kept his temper under gross insults from the president of the council, put aside the intercession of one of the lords as a kindness he did not need, said he had come there to suffer, and quietly declared his intention to remain 'master of his own purse.' Many such anecdotes remain to attest the forbearing fortitude of men recollected now no longer, but who at that time shed lustre on the English character. Stout Sir Francis Lee of Kent bluntly told the lords that they need never fear but there would soon be a parliament; and for his own part, before he would lose the least part of his freedom, he was ready to spend the best blood of his body.<sup>2</sup>

Men whose names are better known continued to vindicate, with hardly an exception, their title to honourable memory. Sir Thomas Wentworth was courteous but determined, and was remitted to detention in Kent. Sir Oliver Luke made less courteous denial and went to the Gatehouse. There, too, went Sir Walter Devereux, Mr. Kyrton, and Sir William Armyne. Sir Peter Hayman was one of several less known than himself who were sent into the Palatinate. Sir Thomas Darnel, Sir John Strangways, Sir Harbottle Grimston, and Sir John Heveningham were remitted to the Marshalsea; and in the Gatehouse Eliot received further companionship from Sir John Corbet, to whom and whose family he was tenderly attached, and from Sir Edmund Hampden, a kinsman of his great friend. The more famous possessor of the name followed thither also, after one of the most striking answers given at the table. 'I could be content to lend,' said John Hampden, who had appeared in discharge of his bond, 'as well as others: but I fear to draw

<sup>1</sup> The first was the 17th of August, and the second the 6th of September 1627. S.P.O.

<sup>2</sup> S.P.O. December 1627.



‘ upon myself that curse in Magna Charta which should be read  
‘ twice a year against those who infringe it !’<sup>3</sup>

The same thought had been with Eliot in all the months of his confinement. He never at any time contemplated claiming his freedom from the courts ; but had marked out for himself another course, very characteristic. He had been consulted upon the appeal proposed to be made to the king’s-bench, two of the appellants being his fellow prisoners, and the other three his intimate friends : but, leaving to them the question of the right of the council to deal with the subject’s liberty, he took into his own keeping the higher question of the king’s right to levy taxes other than by the subjects’ representatives in parliament ; and upon this resolved to make appeal to the people through the king himself. The disadvantage at which he stood with Charles he would not affect to conceal ; but not the less would he press his claim for personal hearing, in a matter affecting every subject in the land. In the form of a petition to the sovereign, he would publish to the country what he believed to have been guaranteed to it by its former princes ; and upon the fact of his duty to render obedience to the laws, he would ground his inability in this matter to obey the king. So conceived, the petition was drawn up by him ; and is a masterpiece of expression. Profound loyalty to the laws is combined in it with a deference the most unfeigned, and an only inferior loyalty, to the prince who has forgotten that the laws are binding upon him. Whether Charles received it directly from Eliot does not appear ; but there are many evidences of the impression it made when it went among the people.<sup>4</sup> Strange to say, however, the most

<sup>3</sup> One of Hampden’s friends, writing at the time of his death in the *Weekly Account*, described the state of his health at this earlier time to be such that he never entirely recovered the effects of his detention. ‘ He endured for a long time together, about sixteen years since, close imprisonment in the Gatehouse, about the loan-money, which endangered his life, and was a very great means so to impair his health, that he never after did look like the same man he was before.’ In Eliot’s letters to him I also find allusion to his indifferent health at this period.

<sup>4</sup> Rushworth has preserved it (i. 429-31), but I shall print it, from the original among Eliot’s papers, in a more correct form. Whitelocke says (*Memorials*, i. 22) that ‘ Sir John Eliot took this way to inform the king ‘ what his council did not :’ which Anthony Wood oddly converts into a

curious of all the notices of it, among its contemporaries, has never been remarked upon or known until now.

Bagg found it travelling up and down Cornwall, threatening infinite mischief; conceived the idea of replying to it; and addressed his reply to Buckingham. Eliot had reasoned that the loan, backed by imprisonments and restraints, was contrary to the grants of the Great Charter, by many glorious and victorious kings many times confirmed; but why should not Bagg prove as clearly to the satisfaction of his grace that this much-vaunted Magna Charta, which Eliot thus still more magnified, was really in its birth and growth *a mere abortion*? Here was a petitioner, forsooth, like Mr. John Hampden at the council-table, talking of the curse denounced against the great charter's violators; but the curse that Pope Innocent denounced against its makers was to Bagg a more terrible thunderbolt. A pretty thing, truly, that those 'never-to-be-honoured barons' should be set up for glorification; that such a notoriously 'low thing in a king as the 'currying favour with his subjects' should be recommended for imitation to such a king as theirs; and that this their own pious and well-established prince, surrounded by sweet counsellors and devoted subjects, should be compared with former princes of cracked titles environed by rebellious armies in the meadows of Staines! To Bagg it was nothing short of 'satanical.'

It may seem not very credible that language and reasoning like this should be correctly imputed to any Englishman, far less to one trusted and favoured as this man was; and from the original in the state-paper office, therefore, Bagg's letter is now printed<sup>5</sup> side by side with the petition of Eliot, and the writer's

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statement that Eliot was obliged to write in this way to the king because his (Eliot's) counsel would not assist him otherwise.' *Ath. Oz.* ii. 479. Eliot's example in the matter was not without following from men of his own rank. 'I have in my possession,' Lord Verulam wrote to me on the first publication of this book, 'a copy of a petition addressed by my 'ancestor Sir Harbottle Grimston to King Charles when a prisoner on 'account of the loan, which is a counterpart or nearly so of Sir John 'Eliot's.'

<sup>5</sup> The usual change is made in the text as to Bagg's orthography, which is so very uninviting and often unintelligible, that it was but fair to put him more on a level with Eliot in this respect by modernising both. His letter will be found in the S. P. O. under date of the 20th of December 1627.

character, already self-painted in these pages, receives its finishing adornment. It would not be easy to go beyond this, in all that expresses servility of soul.

SIR JOHN ELIOT TO THE KING.

*'The Humble PETITION of Sir JOHN ELIOT, Knt. Prisoner in the Gate-house, concerning the Loan,*

*'Showeth,*

*'That your poor suppliant,—much affected with sorrow and unhappiness, through the long sense of your displeasure; willing in every act of duty and obedience to satisfy your majesty of the loyalty of his heart, than which he has nothing more desired; anxious that there remain not a jealousy in your royal breast, that stubbornness and will have been the motives of his forbearance to the said loan; low at your highness's foot, with a sad yet faithful heart, for an apology to your clemency and grace,—now presumes to offer up the reasons that induced him, and which, he conceives, necessity of his duty to religion, justice, and your majesty, did enforce.*

*'The rule of justice he takes to be the law; the impartial arbiter of government and obedience; the support and strength of majesty; the observation of that justice by which subjection is commanded; whereto religion, adding to these a power not to be resisted, binds up the conscience in an obligation to that rule, which, without open prejudice and violation to those duties, may not be impeached.*

*'In this particular, therefore, for the loan, being desirous to be satisfied how far this obligation might extend; and resolving, where he was left master of his own, to become servant to your will, he had recourse unto the laws, to be informed by them; and now in all humility he*

SIR JAMES BAGG TO THE DUKE.

*'To his excellency my lord the Duke of Buckingham his grace, Lord High Admiral of England.*

*'My most gracious lord,*

*'I met this petition wandering amongst the subjects, directed to, or rather against, my sovereign; not repenting, but justifying, an offence; not accusing the recusant subject of disloyalty, but his majesty of injustice, in the business of the late Loan! as I in my humble apprehension conceive it. In my zeal to his majesty's most sacred person and affairs, I held it dangerous to roam up and down among the many-headed people in these times, made discontented by him (Eliot) and his accomplices; and I have therefore made bold, in discharge of my duty, to commend it up unto your grace's eye, which ever watcheth for the common safety; lest such a petition (not the transcript but the original), marching under the colours of humility and allegiance, rekindle that fire of discontent and murmur in those unquiet spirits which are of Eliot's opinion.*

*'Crouching humility it carrieth in the front; but in the body nothing but strained arguments to justify his proud refusal: which being dissected by the examination of his grounds, his law and conscience will plainly appear.*

*'His plea is not stubborn, and hath a specious pretence; but one so often found false by his majesty's predecessors in the tumultuous barons and their confederates, as it is bankrupt of credit now. They had the law always in their words, when*

submits to your most sacred view, these collections following.

'In the time of Edward the first, he finds that the commons of that age were so tender of their liberties, as they feared even their own free acts and gifts might turn them to a bondage, and their heirs. Wherefore it was desired and granted,

*'That for no business, such manner of aids, taxes, or prizes, should be taken, but by common assent of the realm, and for the common profit thereof.*

'The like was reinforced by the same king, and by two other laws again enacted:

*'That no tallage or aid should be taken or levied, without the goodwill and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land.*

'And that prudent and magnanimous prince, Edward the third, led by the same wisdom, having granted:

*'That the great gift given in parliament, for the aid and speed of his matchless undertaking against France, should not be had in example, nor fall to the prejudice of the subjects in time to come: did likewise add in confirmation of that right, that they should not from thenceforth be grieved to sustain any charge or aid but by common assent, and that in parliament.*

'And more particularly in this point, upon a petition of the commons afterwards in parliament, it was established:

*'That the loans, which are granted to the king by divers persons, be released; and that none, from henceforth, be compelled to make such loans against their wills, because it is against reason and the franchises of the land; and that restitution be made to such as made such loans.*

their actions were most unlawful. *They* always had conscience in their mouths, when they had none in their hearts. What *their* motives were, if truth were known, *his* motives are!

'But scruples of conscience arise in this petitioner! As if conscience, which is the centre of virtue, did ever deny tribute to Cæsar! or free-will, in actions natural, to the soul! Must the land be tied to the postures of peace, in war? Or, in violent weather, must the traveller be tied to a Spanish pace? Or, shall martial law be regulated to the common law? I wish the sun would ever shine, and peace smile on this land. I wish that all the hearts of the house of commons were rightly set, and that all things were done in a parliamentary way. But time waits; subjects are disloyal and humorous [full of humours]; 'wars are necessitous; honour and safety are both at stake. Shall not the head, then, use all his counsels, ways, acts, and policies of state, to keep off foreign and suppress homebred dangers? Yes! and that with both great praise and glory! For necessity hath no law.

'Could I but descend into the conscience of this petitioner, Eliot, and show how in all his actions it hath guided him, I should, if he did not, blush to see *his* conscience strain a gnat and swallow a camel. But sithence the having of this petition, I have taken some of my time from his majesty's service, and perused those laws he hath quoted; and it being out of my profession to argue it, I will only give your grace my observations upon them.

'He forgets that law without circumstances observed, is no law. That of Edward the first, with its due circumstances, is no law for his purpose. Our chronicles note that

'And by another act upon a new occasion, in the time of Richard the third, it was ordained:

*'That the subject in no wise be charged with any such charge, exaction, or imposition called a benevolence, nor such like charge; and that such exactions be damned and annulled for ever.*

'Such were the opinions of those times, for all these aids, benevolences, loans, and such like charges exacted from the subject not in parliament; which they held to be grievances, contrary to their liberties, and illegal. And so pious were these princes in confirmation of such liberties, as, having secured them for the present by those frequent laws and statutes, they did likewise by them provide for their posterity; and in some so strictly that they bound the observation with a curse, as in that of 33 Edward the first, and also under pain of excommunication, as by the other of the 25th of the same king; which was to be denounced against all those that violated or broke them. Which acts extend to us; and these reasons he presents to your most sacred majesty, as the first motives taken from the law.

'There are others, also, which in his humble apprehension he conceives from the action itself, and these he likewise tenders to your most excellent wisdom.

'*Firstly*, That the carriage and instructions, accompanied with the authority of the great seal, imported a constraint; such requests to subjects being tacit and implied commands; and so preventing that readiness and love, which in a free way would have far exceeded those demands. Whereas the wonted aids given to your most happy ancestors were *ex spontanea voluntate et curialitate populi*, whereby they made

Henry the third, being pressed by his mutinous barons to grant them their liberties, which they themselves had with a high hand extorted from King John and propounded to him, the moderation and equanimity of the king, terrified by his father's example, peaceably finished the contention. And so no doubt Edward the first, terrified both by the example of his father Henry the third, and his grandfather King John, did for his own quiet and subjects' safeguard, grant the people that which he durst not deny. But nothing is cited in that act that Eliot need make scruple of conscience to violate in the loan. For there it is enacted only that the king's ministers take not, nor levy taxes, &c, without assent, &c. Not that his loving subjects should not lend him in his necessity to supply his wants!

'And so to be understood is that statute of Tallage; though that king might well yield some liberty to his people, who had yielded him more relief than ever to any prince before him! Yet the particular reasons of that act in his own person ceasing, if it did ever concern our times in this loan (as it no way doth), ought no way to bind his now majesty from his own right, nor loose the subjects from due aids to the sovereign in a common cause. For all grants of kings have this exception: *salvo coronæ honore*. And for that of Edward the third, the reason of granting that act will show that the petitioner had no reason to refuse to be an actor in the loan. For he had almost every year relief from his subjects. And especially then in the 14th year. For his wars in Scotland, France, and Gascony, they in parliament had strained themselves beyond their abilities to give extraordinary aids to his extraordinary business on this side and beyond

that conjunction of their hearts at home, which wrought such power and reputation to their acts abroad.

*Secondly*, Whereas the firmest obligation of that readiness and love, is the benignity of princes, giving and preserving to all their people just and decent liberties; which to this kingdom are derived from the clemency and wisdom of your progenitors, to whom there is owing a sacred memory for them. He could not, therefore, as he feared, without pressure to those immunities, become an actor in this loan; which by imprisonment and restraint has been urged, contrary to the grants of the Great Charter, by so many glorious and victorious kings so many times confirmed. Being therein most confident of your majesty, that never king that reigned over us had of his own benignity and goodness a more pious disposition to preserve the just liberties of his subjects, than your sacred self.

*Thirdly*, Though he were well assured of your majesty's royal promise, whose words he holds as oracles of truth, that it should not become a precedent during the happiness of your reign; the long continuance whereof is the daily subject of his prayers; yet he conceives from thence a cause of fear, that succeeding ages might thereby take occasion, for posterity, to strike at the property of their goods, contrary to the intention and piety of your majesty, so graciously exprest.

'And these being the true grounds and motives of his forbearance to the said Loan; showing such inconveniences in reason; and representing it an act contradicting so many of our laws, and most of them by the most prudent and happy of our princes granted; which could not (without presumption beyond pardon in your supplicant, in taking to

the seas: as 40s. out of every sack of wool; 40s. out of every CCC. of wool-fells, and as much for leather; besides every 9th lamb, 9th fleece, and 9th sheaf, through England; and of all merchandise after the same rate! Which, if it had been drawn into ordinary must needs have soon eaten up the people's livelihood! So that hereupon it was petitioned by them, and granted by him, for himself and his heirs to all prelates, &c, that the same grant which was so chargeable should not at another time be had forth in example, nor fall to their prejudice in time to come. And for their exceeding willingness in his supplies he voluntarily promised to trouble them no more, but afterwards to live on his own revenue. A precedent to the petitioner, and motive rather for willingness to lend than for obstinate refusal.

'It is true that the petitioner SATANICALLY cites so much of that act as serveth his oblique turn; but dares not mention either the scope or ground of it. The undertakings of that prince were matchless, and so should his subsidy be. No age, if not that, was like to have the like occasion; and therefore none but that to expect the like bounty, which by his act Edward the third secured to the subject. Seeing they had in public with free hearts so bountifully considered of his occasions, he would not use their purses but by a public consent in parliament. But the grace of a prince must not be urged as a duty; nor an act against taking without assent in parliament against a borrowing without a parliament.

'As for that of Richard the third, it was a good policy in evil. He by forming laws apted to their humour, secured himself in his guilty possession of the throne. And shall

himself the dispensation of those laws so piously enacted) by him be violated or impeached; in the fulness of all submission and obedience, as the apology of his loyalty and duty, he lowly offers them to your most sacred wisdom, for the satisfaction of your majesty, most humbly praying your majesty graciously will be pleased to take them into your princely consideration. Where, when it shall appear (as he doubts not but from hence it will to your deep judgment) that no factious humour nor disaffection, led on by stubbornness and will, has therein stirred or moved him; but the just obligation of his conscience, which binds him to the service of your majesty in the observance of your laws; he is hopeful, presuming upon the piety and justice of your majesty, that, according to your innate clemency and goodness, you will be pleased to restore him to your favour, and his liberty; and to afford him the benefit of those laws, which in all humility he craves.

‘And your petitioner, &c.

‘JOHN ELIOT.’

a title as Henry the first, had used the same policy in selling his regality. For, being environed with a rebellious army in the meadows of Staines, he was forced by a strong hand to grant the Magna Charta de Foresta; which grants as aforesaid were admitted by Pope Innocent. Nor yet was the Magna Charta, thus extorted, a law, till the 52d year of Henry the third. Neither was it then so freely enacted by the royal assent (which is the form and life of a law), as wrung out by the long, bloody, and civil wars of those never-to-be-honoured barons! Yet was posterity loath to forego the price of so much blood, by them called liberty; as it feared (through due revenge) that every act of their prince, whom they had justly provoked, would lead to their bondage. Yet, sithence, have many pious princes suffered them to enjoy an equal liberty under it; preserving to every man his own vine. But it never was, as now, especially by a single brain, made a chain to bind the king from doing anything and a key to admit the vassal to everything!!

‘When I considered how I am bound to his most excellent majesty, both by law, conscience, and religion, I thought it my duty to discover the spirit of this man Eliot who makes law and conscience like a nose of

the acts of this man be urged as precedents against his majesty's so just and sacred government!

‘But the excommunication and curses denounced against all that violate these laws is a terrible thunderbolt to the petitioner's conscience! Why rather fears he not the curses of Pope Innocent, in conscience of the royal wrongs, denounced against all the procurers of such laws, and especially the Magna Charta! Which, though Eliot so magnifies, yet we shall find it abortive in the birth and growth!

‘For it was not originally freely and regally granted, nor (if the petitioner would have dealt candidly in his allegation) so voluntarily confirmed. The beginning was in Henry the first's time, who was but an usurper upon the right of Robert, his elder brother; and to establish himself in that usurpation did by it curry favour with the nobles and smooth the people—a low thing in a king! Wherein he granted away, peradventure, some of his regality to them, lest they should assist in taking away all from him. And for the confirmation of this Magna Charta, King John, having as cracked

wax to serve all turns, though disguised under the pretence of loyalty and humility. The publication of this enclosed labours a disaffection in the subject; yet it pretends information to the prince (which should be as secret as night); and being written with his own hand, argueth an aim to popular glory, although to his sovereign's improsperity. This bereaveth him of the benefit of all excuse; fixing this act of publication upon his will, so for his secret ends to divulge it. Which I hold so fearful a thing in him, as I dare not let any man have the sight of it by me; but resolve carefully by one express (lest by packet it should miscarry) with these lines to send it to your grace's hands; assuring you that your grace, as his majesty's best beloved and so intrusted servant, hath your share in this. For always the barbarous people's misconceit of their prince's actions lights first upon his nearest and dearest councillors, as most obvious to the vulgar eye.

'If that which is the only riches I have to boast of, my loyal heart to his majesty, and my faithful discharge of duty to your excellency, make me too bold in my way of writing to you, add to what you have done for me by forgiving my faults, by signing out my ways, which shall be kept by

'Your excellency's most humble and obliged servant,

'Plymouth, this 20th December 1627.

JAMES BAGG.

The commission sent down by Mr. Davyle for inquiring into Eliot's vice-admiralty is returned by him; and it will be convenient that your grace give order about it before it be returned into the court.'

But while the people thus have been appealed to by Eliot, the appeal to the courts made by Erle, Corbet, Hampden, Darnel, and Heveningham, has failed. It had been argued in the November term by Noye, Selden, Calthorpe, and Bramston, for the four first-named respectively; amid general and intense excitement. Sir Nicholas Hyde, sitting in the seat from which Sir Randolph Crewe had been recently removed for his dislike of the loan, presided as chief-justice;<sup>6</sup> and Whitelocke, Jones, and Doddridge were on the bench with him. The common people crowded the court, and their shouts of applause at the arguments of the prisoners' counsel echoed through Westminster-hall. Mr. Attorney's return to the writs of habeas had justified the imprisonment on special command signified by the king through his council; and upon this Noye, Selden, and the rest, took issue, both for form and matter, handling both with extraordinary knowledge and undaunted courage. The judges

<sup>6</sup> 'Showing no zeal,' says *Rushworth* (i. 420), he was removed to make way for Hyde. So *Whitelocke* (i. 20) ascribes Crewe's removal to his 'not favouring the loan.'



themselves were shaken. During a portion of Sir Robert Heath's reply some ominous interruption fell from two of the puisnes. 'Mr. Attorney,' said Jones, 'if it be so that the law of Magna Charta and other statutes be now in force, and the gentlemen be not delivered by this court, how shall they be delivered? Apply yourselves to show us any other way to deliver them.' 'Yea; or else,' interposed Doddridge, 'they shall have a perpetual imprisonment.' This difficulty, however, or demonstration ad absurdum, had left no trace upon the minds of these learned persons by the time the court delivered its collective opinion; there being in vogue at this period a way of dealing with such insoluble judicial logic, which was afterwards plainer referred to when the house of commons took up the case. 'The commons do not know,' said judge Whitelocke, 'what letters and commands we receive.' The prisoners were remitted to their various confinements, after judgment delivered by Hyde on the 28th of November, that upon the records, precedents and resolutions cited, the court could not deliver them.

Its only effect, naturally, was to increase the clamour for a parliament. Beaten back from the courts of law, the people turned with redoubled eagerness to that sole resource and refuge. Charles and Buckingham nevertheless hesitated still. Pressed by the unhappy Rochellers, on whom their wretched interference and its results at Rhé had now brought the combined and terrible wrath of France and Spain, they had already promised another expedition; and they shrank from the possible price that a parliament might exact for grant of the necessary subsidies. On the very day after the first order had been given at the council for issue of the writs, it was revoked; and, in the very teeth of the failure of the loan, it was yet thought possible to collect what was wanted by means of commissioners, who should be armed with powers to promise a parliament if the money were dutifully paid, and if not, to threaten a 'more speedy way.' But the reception given to this appalled even Buckingham; and in a week the commission was called in, and Sir Robert Cotton sent for to the council. Of course he advised a parliament.

The state of the country at this moment, from the non-pay-

ment of arrears due to the disbanded forces, and the effects of the general billeting of the soldiers of Cadiz and Rhé, had become alarming in the extreme. The old discharged and unpaid soldiers and sailors, half perishing with disease and famine, made cities and highways alike unsafe; and the new press for men was universally resisted. Mutinous mobs paraded the streets in London, and forced themselves into York-house and Whitehall. In the country parts, desperate and lawless outcasts, billeted with private families, committed unspeakable outrage. In some districts resistance was made, and many lives lost; and remonstrance unusually ominous went up to the council.<sup>7</sup> They were helpless: everything was in Buckingham's hands. To complaints made against Bagg and his extortions by officers employed in connexion with him, there was no reply. But upon one of the reasons which Sir Robert Cotton had offered for a parliament, that this ancient way of redress, if now advised by Buckingham, might avert from the chief minister dangers that seemed otherwise imminent, the king appears to have jumped to a conclusion which he followed up with alarming promptitude. Such apprehensions existing, and fears prevailing also of another Spanish invasion, he resolved to make timely provision of defence by bringing over a foreign force. On the 25th of January the final decision for a parliament was arrived at; and on the 30th of that month, a day of terrible omen to him, Charles signed a warrant empowering Conway to pay over, through Burlamachi, to two officers in Buckingham's confidence now in the Low Countries, Balfour and Dalbier, thirty thousand pounds, for a thousand horses, a thousand cuirasses and carbines, and five thousand muskets, corslets, and pikes. Carte with his honest prejudice believes that this mercenary force was in good faith to guard against invasion; but no impartial student of the times can doubt that its real purpose was to overawe the parliament. The parliamentary leaders themselves thought so, in

<sup>7</sup> Lord Banbury bluntly wrote to the lord-president that the people in his district 'flatly refused' the billeting, that he had no means of compelling them, and that something 'by fair means or foul' must speedily be done. Ms. S.P.O. There were proposals actually before the council at this time to hang men up by martial law who refused press-money. Coventry the lord-keeper disapproved, or it might have been attempted.

resolutely preventing execution of the scheme ; and their view is confirmed by Rushworth's remark, embodying doubtless the common belief, that these foreign soldiers were to force the people to pay excise duties and impositions. Such impositions it had been resolved at the same time to levy ; and, with a parliament sitting, so to compel the people to submit to unlawful taxation was by force to put down its authority.

For the moment, however, it was only known that the writs were out, and that on the day of their issue the leading country gentlemen, from eighty to a hundred in number, who remained still under restraint for the loan, were all set at liberty. Parliaments work wonderful things, as old Coke said. The suspended archbishop, Abbot, was reinstated ; Bristol received permission to take his seat in the lords ; and even Williams was let out of the Tower. In a very few days, amid such excitements as until then had not been witnessed, the noise of a general election sounded through the land.

#### VIII. *The Elections to the Third Parliament.* æt. 34.

The whole of February and the early part of March, the writs having been made returnable on the 17th of the latter month, were occupied by the elections ; and except in the close corporation boroughs, and places where the councillors and great peers could nominate the members, not an adherent of the court was returned. It was a general election with a cry, and that was the loan. To have refused the loan had secured the goodwill of the people ; and not a single man imprisoned for it, who offered himself to the electors, failed to obtain a seat. As Heylin plaintively expressed it, for his majesty to have released those gentlemen who were so imprisoned, 'was in effect but the 'letting loose of so many hungry lions to pursue and worry 'him.'

Of the five knights who had sued their habeas, Darnel did not offer himself ; and Sir Edmund Hampden, already in delicate health when carried to the Gatehouse, had sunk so low under his imprisonment that the order of release came too late to rescue him, and he died as the writs went out. The other

three, Erle, Corbet, and Heveningham, were returned for Lyme, Yarmouth, and Norfolk respectively. All the six who had been disqualified for the previous parliament received the choice of several seats. Sir Guy Palmes elected to sit for Rutland, and Sir William Fleetwood for Bucks. Suffolk as well as Bucks returned Sir Edward Coke, and Marlborough as well as Wilts returned Sir Francis Seymour. Both Alford and his son had a double return for Colchester and for Steyning. Sir Robert Philips' carried Somersetshire against an extraordinary array of court influences; and in Yorkshire old Sir John Savile, backed by local interest of unexampled strength, and by all the powers of the northern presidency employed without scruple, was beaten by Sir Thomas Wentworth. At last that formidable person had declared openly against the court. Not that the loan, or his own imprisonment, would have effected what even his seclusion from the last parliament had failed to accomplish; but that an insult put upon him by Buckingham in his own county had stung him past the power of further endurance. Even in the open court-house, as he sat condescending to his sheriff's duties, 'amid,' as he expressed it, 'justices, escheators, juries, bankrupts, thieves, and such kind of cattle,' an ancient Yorkshire dignity was taken from him to be conferred on Savile; he saw that he could only rise to power when the power of Buckingham should be broken; and, remembering also former wrongs and grievances from the courtiers, he determined at once and finally to avenge himself upon the court.

In London the excitement was intense. The recorder, Sir Heneage Finch, speaker of the last parliament, had not resisted the loan, and it was resolved to exclude him from the representation. Since the conquest, it was said, the city had never failed to send her recorder among her representatives to parliament: 'but for all that antiquity,' wrote Mr. Herbert to Lord Fairfax, 'they would not endure to have him in the nomination, for they find he hath relation to whom they do not affect,' and they have 'with great disgrace rejected him.' The four whom they elected, aldermen Monson and Clitheroe for knights, and alderman Bunce and Captain Henry Waller for burgesses, were 'all of them that suffered for the loan,' and among them Captain

Waller had been conspicuous for known friendly intercourse with Eliot, and for expressed admiration of that service in the former parliament which had drawn upon him the anger of the king.<sup>1</sup>

Another friend of Eliot was less fortunate in Westminster; nor perhaps was there any indication of the prevailing excitement more striking than that Sir Robert Cotton should have been passed over by that city. Notwithstanding his notorious services to the parliamentary leaders, he had not openly resisted the loan; and he was known to have been taken into council at Whitehall. This was enough to justify, even to friends and neighbours, a desertion of him, which nevertheless sufficed not to justify to himself any desertion of what he knew that these men loved only less wisely than he, and not less well. On his ultimate return for one of the small Norfolk boroughs, he took his seat by the side of Eliot; and was with him, assisting and advising, through the heat of the struggle in this great parliament.

Buckingham at the time was steward of Westminster, and by using the influence of that office had twice forced into the representation his agent, Sir Robert Pye. A moderate man, and personally not unpopular, Pye's connection with the duke was nevertheless now fatal to him. Mede wrote to Stuteville that the election had been going on for three days; that Sir Robert never had a chance; that the feeble cries of his friends for a Pye! a Pye! were overwhelmed with derisive shouts for a Pudding! a Pudding! and that in fine Mr. Bradshaw, a brewer, and Mr. Maurice, a grocer, had carried it from him by above a thousand voices. The learned gentleman felt a natural regret that the electors should have passed by the other Sir Robert in favour of those ordinary tradesfolk; and he says that such was the character of the elections everywhere it was supposed the parliament could not last above eight days.

In the counties, and especially those neighbouring London, the same extraordinary scenes went on. Unavailing was every effort to bring the powers of the council to bear upon freeholders.

<sup>1</sup> See *Fairfax Correspondence*, i. 89.

The only result was to destroy completely what remaining chances the court might have had. A few days before the nomination in Essex the high-constable of Tendring-hundred carried to the popular candidates, Sir Francis Barrington and Sir Harbottle Grimston, an order he had received signed by three justices of peace, requiring him to bring, on the day fixed for the election, as many freeholders of his hundred as he could to Chelmsford, there to vote for two such to be knights of the shire as the major part of the justices would then be prepared to nominate to them, by direction from the king and council. Similar notices, it was then found upon inquiry, had been sent to the other hundreds; and the result was that the nominees of the council had scarcely a hand held up for them, while Barrington and Grimston were attended to the polling-booths by fifteen thousand men, of whom from ten to twelve thousand were freeholders.<sup>2</sup> Assertion was afterwards made that false votes had been created for the purpose of the election; but upon a subsequent searching inquiry before the commons' committee nothing was established but those illegal attempts of the justices and privy-council.

The same were tried with the same results in other places. In Bedfordshire the court was beaten by Sir Oliver Luke; in Dorsetshire, by Sir John Strangways; in Hertfordshire, by Sir William Lytton; in Kent, by Sir Dudley Digges; in Lincolnshire, by Sir William Armyne and Sir Edward Ayscough; in Northamptonshire, by Richard Knightley; in Hampshire, by Sir Daniel Norton; in Suffolk, by Sir Nathaniel Barnardiston; in Worcestershire, by Serjeant Wylde; and in Glamorganshire, by Sir Robert Mansel; all of whom brought in with them colleagues of the same opinions, though of less distinction than themselves.

The lawyers who had done battle in the courts, and demolished the prerogative doctrines of Mr. Attorney, received eager welcome. Bramston and Calthorpe did not offer themselves; but Noye was returned for Helston, Mason for Winchester, Selden for Ludgershal, Cresswell<sup>3</sup> for Evesham, and Littleton for

<sup>2</sup> Letters of Feb. 20th and March 22d, 1627-8, Beaulieu to Pickering, and Mede to Stuteville; see also letters in S. P. O. 4th of March 1627-8.

<sup>3</sup> More correctly, Cresheld. See *Foss.* vi. 288.

Carnarvon. Other lawyers of great distinction carried also seats against the council. Hakewell sat for Amersham, Whitby for Chester, Henry Rolle for Truro, Francis Rouse for Tregony, Glanville for Plymouth, Wentworth for Oxford, Hoskyns for Hereford, Sherland for Northampton, Crewe for Banbury, and Herbert for Downton. These were all men who in the preceding parliament had voted with its leaders. For his own town of St. Germans Eliot brought in a son of Sir Robert Cotton's, and his own intimate friend Benjamin Valentine.

Nor could the court have observed without alarm that Pym was returned by Tavistock, Hampden by Wendover, Bevil Grenville by Launceston, Sir Edward Giles by Totness, William Strode by Beeralston, Denzil Holles by Dorchester, Sir Nathaniel Rich by Harwich, Sir Walter Devereux by Tamworth, Edward Kyrton by Bedwin, Thomas Hatcher by Grantham, Sir Thomas Hobby by Ripon, Thomas Alured by Malton, Christopher Wandesforde by Thirsk, Sir Peter Heyman by Hythe, and Walter Long, though high-sheriff of Wilts, by Bath: for every one of these names had become more or less conspicuous in the struggle. Some returns there were also, carrying neither hope nor fear to either party at present, but claiming to be mentioned here. We may note now the first appearance among members of the commons house of Mr. Oliver Cromwell, Hampden's cousin and friend, whom the puritans of the city of Huntingdon sent up very worthily to represent them.

To set against all this, the successes of the court were scant indeed. Weston, the chancellor of the exchequer, did not even offer himself, though he did not take his seat in the lords until some weeks later. Sir Humphrey May found a seat at Leicester, Sir John Cooke at Cambridge university, Sir Francis Cottington at Saltash, Sir Thomas Edmundes at Penryn, Sir Robert Pye at Grampound, Sir Francis Nethersole at Corfe-castle, Sir John Finch at Canterbury, Sheldon the solicitor-general at Bridgenorth, and Mr. Dyott at Lichfield. Sir Thomas Savile was returned for the city of York, but a petition afterwards unseated him and he had to take refuge in an Irish barony. The gossiping letter-writer Howel, recently appointed secretary to the lord-president of the north (Scrope), had been able, by

the powers of the presidency, to carry Richmond against Wandsforde; but his more popular adversary at once found refuge at Thirsk, and even Howel, bound as he was to support the government, had sore misgivings that he would not be able to support the duke. 'I pray God send me fair weather in the 'house of commons,' he writes, 'for there is much murmuring 'about the restraint of those that would not conform to the 'loan.' In something of the same temper, though much had been done to conciliate him lately, Sir Henry Marten found himself member for Oxford university. Sir James Bagg managed to get returned for Plympton, but Sir John Drake was turned out:<sup>4</sup> and though Buckingham secured Nicholas a seat at Dover, he failed, lord-warden as he was, to put in even Sir Edwin Sandys himself<sup>5</sup> for Sandwich; while in Romney, another of the cinque ports, he was beaten by Thomas Godfrey, Eliot's friend.

Such defeats, before unheard of, now became common. It is indeed curious, and not wanting in a certain pathos, to observe the straits to which the ministers were put, as in these and other seaport places their old supporters generally fell off from them. Conway had built upon Yarmouth and Southampton, and was full of marvel to have received such cold answers. Sir John Oglander was grieved to have to acquaint my lord the secretary that Newport *would not* elect his son Edward. Mr. Henry Holt from Portsmouth sent up his regrets that he could not help Mr. secretary Nicholas as to that town. Sir Allen Apsley had been promised by his grace of Buckingham a burgess's place at Rochester, and could not conceal his disappointment. Conway had set his heart on finding a burgess's place for his son Ralph, and had applied without effect in several quarters. The people of Sandwich wrote dutifully to the duke, but were unable to say yea to his wishes; and even in Dover most extraordinary exertion had to be made to bring in his

<sup>4</sup> As he has played a somewhat conspicuous part in my narrative, I may add that the elder Drake died little more than a month after the meeting of parliament.

<sup>5</sup> See ante, p. 134. Authorities for the facts stated as to Buckingham will be found in the S. P. O. under dates of the 25th of February and 12th of March 1627-8.



grace's secretary. The governor of the castle, Sir John Hippisley, was at the same time painfully conscious of Buckingham's necessity to bring in as many burgesses as he could, as well as to provide that they should be only such as would comply with his majesty's occasions.<sup>6</sup>

But for all the loss and discomfiture there was yet supposed to be within reach what might have been held as sufficient compensation. Were it but possible to exclude Sir John Eliot?

The first step taken was to make public the fact of his outlawry on certain judgments obtained against him in the admiralty court.<sup>7</sup> 'Sure the house,' wrote Bagg to the duke, 'will never take outlawed men, and men who obey not laws, to be law-makers! If it be moved, and his majesty deny his pardon, I conceive they will be put out of the house.'<sup>8</sup> Alas, it was but the faintest hope, and everything looked adverse to its chances of fulfilment. On his release from the Gatehouse Eliot had been received with enthusiasm in Cornwall. Newport offered eagerly again to return him; but he made his choice this time to be knight of the shire, and at his suggestion Mr. Trefusis, one of his friends whom Bagg's conspiracy had excluded from the commission of the peace, took his place at Newport. Nothing could exceed the dismay of the confederates, all of them constituent members of that 'choice and well-affected provincial government' which it was Bagg's pride to have conspired to build-up in Cornwall, when the prisoner from

<sup>6</sup> S.P.O. under dates respectively of the 31st of January; 2d, 6th, 21st, and 25th of February; and 1st, 4th, and 12th of March, 1627-8.

<sup>7</sup> See ante, p. 392. Exact copies of three outlawries appear in a manuscript memorandum preserved in the S.P.O. under date of the 25th March 1629, and indorsed as 'upon record against Sir John Eliot, whereof two after judgment.' It is not necessary that I should subjoin textually more than the first. 'London SS Ex. Johan. Eliot nup. de London militem alias dom. Johan. Eliot de porte Eliot in com. Cornub. militem utlagerr. in London die Lune px. ante festum sci. loedegarii Eps. et Martiris anno regni R<sup>is</sup> Car. &c. quarto ad sect. Willi Carrigue generosi de plito debi unde convict. est 200<sup>li</sup> 9<sup>s</sup> 70<sup>d</sup>. DOWDESWELL.' The second was at the suit of Samuel Rabanockes for the same sum of 200*l*; and the third was at the suit of Geoffrey Weeles for 46*l*. 7*s*. The reason for their appearance among the mss. of the S.P.O. under the particular date of the 25th of March will hereafter be seen.

<sup>8</sup> Ms. S.P.O. Bagg to Buckingham, 17th March 1627-8.

the Gatehouse, the petitioner against the loan, the man most known to be disaffected to the duke and the court, made sudden appearance among them with half the county at his heels. Electors, trooped and banded together by hundreds, followed the friends who went out to meet him. 'Here,' wrote Bagge in his letter above quoted,

'we had Bevil Grenville, John Arundel, and Charles Trevanion coming to the election with five hundred men at each of their heels and lodged in towns together, which in itself is not only unlawful so to give their voices and to assemble such a body of men, but they by their so coming through fear do constrain or exclude those that indifferently thought to give their voices.'

Could there be a plainer interference with the right of free election? The remedy, it was felt, must be prompt and decisive, and steps were taken to make it so. With what view had the late changes in the commission been effected, and the new justices picked out for their good affection to his majesty's government, if not to do service in such difficulty as this? Accordingly the gentlemen so favoured by his majesty, deputy-lieutenants and justices of peace, Sir Reginald Mohun (father of John), Sir Barnard Grenville, Sir William Wrey, Sir Richard Edgecombe, Mr. John Mohun, Mr. John and Mr. Edward Trelawny, Mr. Richard Trevanion, and Mr. Walter Langdon constituted themselves a kind of royal commission; declared that the care of the county of Cornwall had been intrusted to them by his majesty's council; announced it to be their duty to secure a free election for knights of the county by naming beforehand those who should be presented to be chosen by the freeholders; and, in compliance with such ancient and laudable custom, as they termed it, now named accordingly, as most fit to be so elected, Mr. John Mohun and Sir Richard Edgecombe: communicating their decision to all parts of the county, to 'the high sheriff and other gentlemen and freeholders,' by means of the official posts provided for his majesty's special service, and summoning the trained bands to be present and to assist at the election!

That was a strong proceeding, but it was not all. At the same time they sent letters subscribed with all their names to Eliot and Coryton, warning them against persisting in their

attempt to present themselves to the electors ; and to the freeholders generally, in letters similarly underwritten, they made appeal that they should not, by electing Eliot and Coryton, give their voices to men having perverse ends, likely to breed mischief in the state, and unquiet spirits under his majesty's ill opinion. When these letters became afterwards matter of question in the house of commons, Sir Richard Edgecombe went before the committee and declared, that, though he had attended the meeting, he had not himself sanctioned either of the letters. What alone he was responsible for, was the having put his name to the postscript of the second letter, intimating his willingness to stand for the county with Mr. Mohun ; and this, he said, he only signed upon assurance given him that Sir John Eliot and Mr. Coryton intended not to stand. He would willingly otherwise, he added, have given his choice to those gentlemen, because the county had shown itself resolute to have none other.

That was indeed the truth. The popular will so swept away resistance as to leave to Bagg's 'choice and well-affected' spirits not even so much following as would have justified an appearance at the polling-booths. Active part was not at any time taken by Eliot himself. He had but to make his appearance to be at once elected. Such exertion as was made in the way of popular appeal proceeded from Coryton, who at the outset had taken measures to ascertain the people's inclination : having obtained, through the ministers or clerks of the parish churches in the county, his 'ticket' to be read to the congregations ; and having thereby invited, according to the ancient laws, every freeholder of the value of forty shillings to exercise the franchise. A cry against this had been raised by Bagg ; but as the election went on, and the will of the county irresistibly expressed itself, all his anxiety was to save Mohun.

Not alone for these election matters, but by his maladministration of the Stannaries, that most unscrupulous of Bagg's friends had exposed himself to the just anger of the commons ; and in the upper house only could he now have chance of refuge from attacks and inquiries which Bagg felt must involve himself also. He renewed with a desperate pertinacity, there-

fore, upon the triumphant return of Eliot and Coryton; his application for a peerage for Mohun.

'What I write to my lord,' he adjured Nicholas, 'you will have sight of. Advance my desires! Mohun, who is now his servant, will be more able if his grace give him honour, which he will deserve. He desires to be a baron by the title of John Lord Mohun, baron either of Polrode, Launceston, Bodmin, Lostwithiel, or Boconocke; one of these five. Let it be your part to mind his grace. It shall be mine to make *him* thankful.' What he wrote to the duke was dated the same day. 'I have here enclosed to my most gracious lord a paper of Mohun, his thoughts and mine. Mr. Mohun is so your servant, as, in life and fortune in your service, will be my second. Enable him by honour to be fit for you! So, in the upper house or in the country, will he be the more advantageous to your grace. He is honest, and I am his pawn for his constancy. He desires to retain the name of Mohun, and to be baron either of Polrode, Launceston, Bodmin, Lostwithiel, or Boconocke. Did I not more desire this for your grace his service than for any other respect I would be silent, as I will in all things which concern myself but the bold declaring me to be your excellency's most bounden servant *and slave*.' 'Let me not,' he resumes, two days later, 'let me not take up the precious time of my most excellent lord! only let me mind and pray you to take care of Mohun.'

These letters were written a few days after parliament met, and the month of April had hardly opened when Mohun was taken care of. His patent of peerage dates a week or two later; and at about the same time his associates in the attempt to overawe the right of free election in Cornwall were also taken care of. By order of the commons, some were sent to the Tower, and some to the custody of the serjeant; nor did it seem as though Mohun himself was to escape to his new rank undisturbed by attentions of that kind. He had scarcely taken his seat in the lords when Eliot gave notice of a motion for inquiry into his maladministration of the vice-wardenship of the Stannaries; and what further this memorable Cornwall election led to will be told in its proper place.

Here may be added meanwhile an illustrative anecdote. The peerage thus obtained was not a month old when an old soldier and servant of the state, Sir William Courteney, conversed with

\* S. P. O. Under dates respectively of the 17th and 19th of March and the 6th of April. Bagg's answer to Eliot's petition (*ante*, p. 410) appears now to have rendered him, in the duke's opinion, an authority on constitutional points, and there is a postscript by Bagg to his first letter showing that he and the duke had been conferring on our English chronicles!

its dignified possessor ; and related afterwards, for Eliot's edification, the wisdom imparted to him at the interview. My lord had spoken frankly on the subject of parliaments. While they continued to exist, he said, no state could ever be well ordered ; because in parliament every man would have his own fancy, and so nothing could be brought into any certainty of settlement. For his own part he would prefer to commit, under authority from the privy-council, the direction of businesses in the several counties to a certain number of men selected in each for the purpose (his friend Bagg's 'choice provincial governments' in short) ; whereby, my lord was convinced, public affairs would be better ordered and disposed. The words were thought worth preserving by Eliot,<sup>10</sup> without comment ; but we may imagine the remark interchanged between him and Courteney, sitting that summer day after dinner at Cuddenbeck, upon the value of the addition made, in the person of their speaker, to the ornament and stability of the throne.

Of the remaining elections little more needs to be told. The western places were among the last, and the popular excitement went on to the end. 'We are without question undone,' said a collector of news for the court, as he went over the names of men known not more by their personal influence than by their personal wrongs. It was not merely that the country party had been everywhere successful, but that the leading and powerful men of that party had been almost universally returned. It will be, exclaimed another of Mr. Mede's correspondents, who had heard a lord make estimate of the real and personal estates of the men elected as in amount sufficient to buy the upper house thrice over, the most noble and magnanimous assembly that ever those walls contained !

The parliament that was to render itself more illustrious than any yet assembled in the old chapel of St. Stephen had now indeed brought itself together. There was to be only one in our English history more famous ; and but for the work done by this its predecessor, reaffirming and strengthening the ancient liberties for the struggle which awaited them, that other and

<sup>10</sup> In memorandum (ante, p. 403) of dinner-talk with Courteney, July 1628.

greater meeting could not have been. The Third Parliament requires to be carefully studied, if the sublime patience of the English people, through the twelve years' trial that intervened before another parliament met, is to be rightly understood, and the acts of the Long Parliament itself not judged superficially or hastily condemned.

END OF VOL. I.

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